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**COPYRIGHT ENACTMENTS**  
OF THE  
**UNITED STATES**

1783-1906

Compiled by  
**THORVALD SOLBERG**  
REGISTER OF COPYRIGHTS

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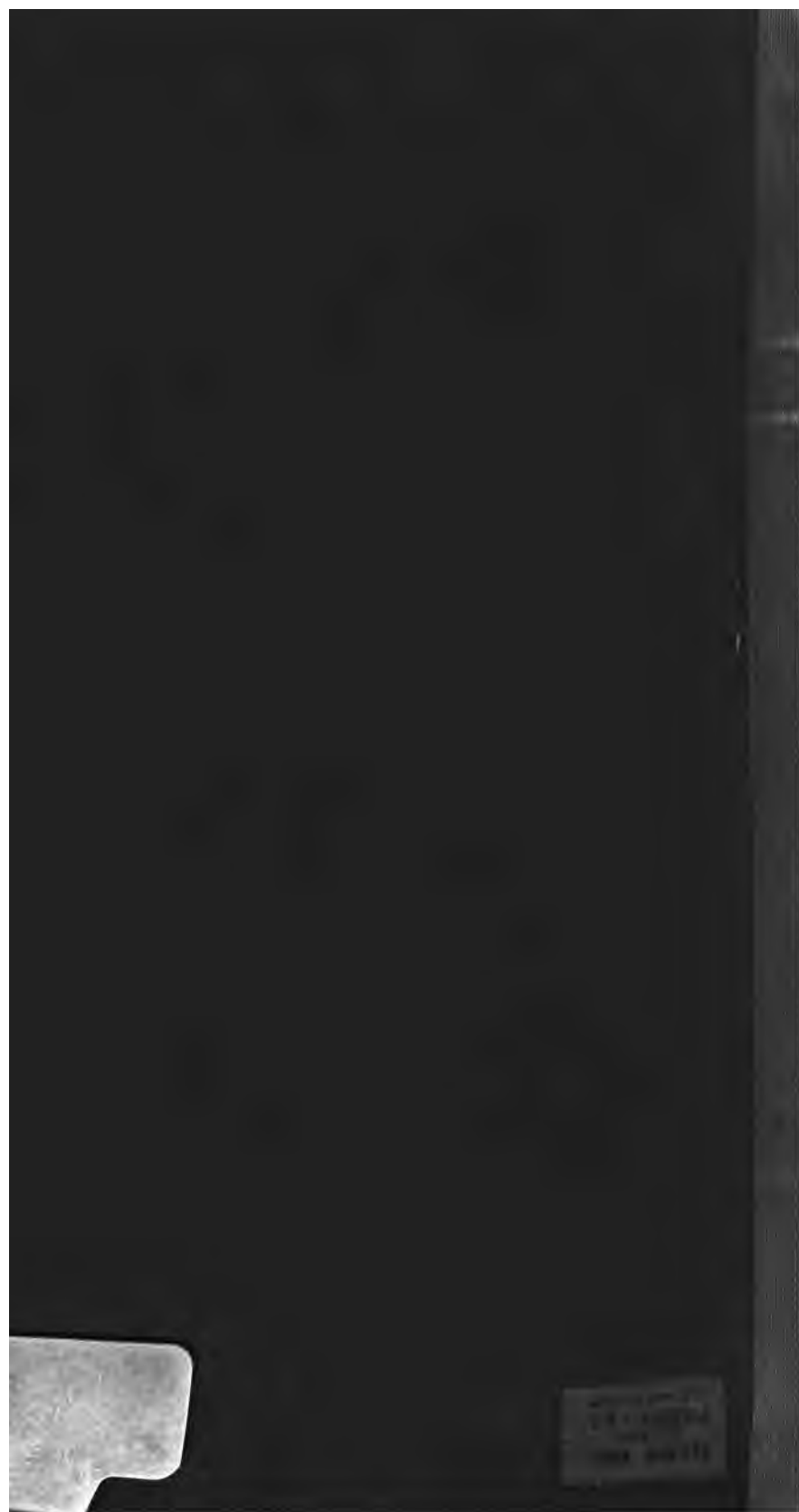
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# COPYRIGHT ENACTMENTS

OF THE

## UNITED STATES

1783-1906

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**THORVALD SOLBERG**

REGISTER OF COPYRIGHTS

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## PREFATORY NOTE TO SECOND EDITION.

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COPYRIGHT OFFICE,

*Washington, D. C., July 15, 1906.*

The present edition of Copyright Office Bulletin No. 3, "United States Copyright Enactments," has been carefully revised, corrected, and brought down to date by the inclusion of such copyright laws as have been passed and such Presidential proclamations relating to copyright as have been issued since the printing of the last edition. It has been enlarged by the addition of the recent State laws enacted to protect dramatic and musical works; of new matter relative to copyright in the territorial possessions of the United States, and (in an Appendix) of some explanatory notes, including the decisions of the Treasury Department and the opinions of the Attorneys-General in relation to copyright.

It is a pleasant duty in printing this edition to acknowledge the helpful suggestions and assistance received from many persons interested in copyright, more especially from Augustus T. Gurlitz, Esq., of the New York bar; Judge Simeon E. Baldwin, of New Haven, Conn.; Edmund A. Whitman, Esq., of Messrs. Elder & Whitman, of Boston; Charles P. Montgomery, Esq., of the Customs Division of the Treasury Department, and Harry P. Mawson, Esq., of the American Dramatists Club of New York.

THORVALD SOLBERG,

*Register of Copyrights.*

HERBERT PUTNAM,

*Librarian of Congress.*



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## X. INDEX.

# COPYRIGHT ENACTMENTS.

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RESOLUTION PASSED BY THE COLONIAL CONGRESS, RECOMMENDING  
THE SEVERAL STATES TO SECURE TO THE AUTHORS OR PUBLISHERS OF NEW BOOKS THE COPYRIGHT OF SUCH BOOKS. MAY 2, 1783.

### COPYRIGHT IN CONGRESS.

On the report of a committee, consisting of Mr. 1  
1783, Williamson, Mr. Izard and Mr. Madison, to whom  
Friday, May 2. were referred sundry papers and memorials on the  
subject of literary property.

*Resolved*, That it be recommended to the several States, to secure 5  
to the authors or publishers of any new books not hitherto printed,  
being citizens of the United States, and to their executors, adminis-  
trators and assigns, the copy right of such books for a certain time not  
less than fourteen years from the first publication; and to secure to  
the said authors, if they shall survive the term first mentioned, and to 10  
their executors, administrators and assigns, the copy right of such  
books for another term of time not less than fourteen years, such copy  
or exclusive right of printing, publishing and vending the same, to be  
secured to the original authors, or publishers, their executors, admin-  
istrators and assigns, by such laws and under such restrictions as to the 15  
several States may seem proper.

In "Journal of the United States in Congress assembled, Containing the Pro-  
ceedings from Nov. 1782, to Nov. 1783." Printed by order of Congress. Vol. 8,  
8vo. Philadelphia, D. C. Claypoole, 1783, pp. 256-257.

Also printed in "Journals of the American Congress: from 1774 to 1788." 20  
Vol. 4, 8vo. Washington, Way & Gideon, 1823, p. 219.

## II.

COPYRIGHT LAWS PASSED BY THE ORIGINAL STATES: 1783-1786.

### CONNECTICUT.

AN ACT for the encouragement of literature and genius.

Whereas it is perfectly agreeable to the principles of  
1783, natural equity and justice, that every author should be 25  
Jan. Sess. secured in receiving the profits that may arise from the  
sale of his works, and such security may encourage men of learning  
and genius to publish their writings; which may do honor to their  
country, and service to mankind.

1 *Be it enacted by the governor, council and representatives, in general court assembled, and by the authority of the same,* That the author of any book or pamphlet not yet printed, or of any map or chart, being an inhabitant or resident in these United States, and his heirs  
5 and assigns, shall have the sole liberty of printing, publishing and vending the same within this State, for the term of fourteen years, to commence from the day of its first publication in this State. And if any person or persons within the said term of fourteen years as aforesaid, shall presume to print or re-print any such book, pamphlet, map  
10 or chart within this State, or to import or introduce into this State for sale, any copies thereof, re-printed beyond the limits of this State, or shall knowingly publish, vend and utter, or distribute the same without the consent of the proprietor thereof in writing, signed in the presence of two credible witnesses, every such person or persons shall  
15 forfeit and pay to the proprietor of such book, pamphlet, map or chart double the value of all the copies thereof, so printed, imported, distributed, vended, or exposed for sale; to be recovered by such proprietor in any court of law in this State, proper to try the same.

*Provided nevertheless,* That no author, assignee or proprietor of any  
20 such book, pamphlet, map or chart shall be entitled to take the benefit of this statute, until he shall duly register his name as author, assignee, or proprietor, with the title thereof, in the office of the Secretary of this State, who is hereby empowered and directed to enter the same on record.

*And be it further enacted by the authority aforesaid,* That at the  
25 expiration of the said term of fourteen years, in the cases above mentioned, the sole right of printing and disposing of any such book, pamphlet, map or chart in this State, shall return to the author thereof, if then living, and his heirs and assigns, for the term of fourteen years more, to commence at the end of said first term; and that all and every  
30 person or persons who shall re-print, import, vend, utter or distribute in this State, any copies thereof without the consent of such proprietor, obtained as aforesaid, during said second term of fourteen years, shall be liable to the same penalties, recoverable in the same manner as is herein before enacted and provided.

35 And whereas it is equally necessary, for the encouragement of learning, that the inhabitants of this State be furnished with useful books, &c., at reasonable prices:

*Be it further enacted,* That whenever any such author or proprietor of such book, pamphlet, map or chart, shall neglect to furnish the  
40 public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his labour, time, expence, and risque of sale, the judge of the superior court in this State, on complaint thereof made to him in writing, is hereby authorized and empowered to summon such author  
45 or proprietor to appear before the next superior court, to be holden in that county where such author or proprietor dwells, if a resident in this State, if not, in that county where such complainant dwells;

and said court are hereby authorized and empowered to enquire into 1  
 the justice of said complaint, and if the same be found true, to take  
 such sufficient recognizance and security of such author or proprietor,  
 conditioned that he shall within such reasonable time, as said court  
 shall direct, publish and offer for sale in this State, a sufficient number 5  
 of copies of such book, pamphlet, map, or chart, at such reasonable  
 price as said court shall, on due consideration affix: And if such author  
 or proprietor shall, before said court, neglect or refuse to give such  
 security as aforesaid, the said court are hereby authorized and impow-  
 ered to give such complainant, a full and ample licence to re-print 10  
 and publish such book, pamphlet, map or chart, in such numbers  
 and for such term as said court shall judge just and reasonable:  
*Provided* said complainant shall give sufficient security before said  
 court, to afford said reprinted edition at such reasonable price as  
 said court shall thereto affix. 15

*And be it further, enacted*, That any person or persons who shall  
 procure and print any unpublished manuscript, without the consent  
 and approbation of the author or proprietor thereof, first had and  
 obtained, (if such author or proprietor be living, and resident in, or  
 inhabitant of these United States) shall be liable to suffer and pay to 20  
 the said author or proprietor his just damages for such injury; to be  
 recovered by action brought on this statute, in any court of law in  
 this State, proper to try the same.

*Provided always*, That nothing in this act shall extend to affect,  
 prejudice or confirm the rights which any person may have to the 25  
 printing or publishing of any book, pamphlet, map or chart, at com-  
 mon law, in cases not mentioned in this act, or to screen from legal  
 punishment any person or persons who may be guilty of printing or  
 publishing any book, pamphlet or paper that may be prophane, trea-  
 sonable, defamatory, or injurious to government, morals or religion. 30

*Provided also*, That this act shall not extend, or be construed to  
 extend in favour, or for the benefit of any author or persons residing  
 in, or inhabitant of any other of the United States, until the State or  
 States, in which such person or persons reside or dwell, shall have  
 passed similar laws in favour of the authors of new publications, and 35  
 their heirs and assigns.

(NOTE.—This act was repealed by the act, Chapter IX, October ses-  
 sion, 1812 of the general assembly of State of Connecticut, “Public  
 State Laws of the State of Connecticut, Book II, October Session,  
 1812,” p. 104. For text of this act see note 1, page 113.) 40

In “Acts and Laws of the State of Connecticut, in America [Compiled by  
 Roger Sherman and Richard Law].” fol. New-London, printed by Timothy  
 Green, 1784, pp. 133-134.

In “Acts and laws of Connecticut [by R. Sherman and R. Law.” 2d issue.]  
 8vo. Hartford, E. Babcock, 1786, pp. 133-134. 45

In “Acts and laws of the State of Connecticut. [Compiled by Chauncey  
 Goodrich, Jonathan Brace, and Enoch Perkins.]” 8vo. Hartford, Hudson &  
 Goodwin, 1796-['98], pp. 282-284.



- 1 In "Acts and laws of the State of Connecticut." 8vo. Hartford, Hudson & Goodwin, 1805, pp. 282-284.  
 In "The public statute law of the State of Connecticut. [Compiled by J. Treadwell, Enoch Perkins, and Thomas Day.]" Book 1, 8vo. Hartford,  
 5 Hudson & Goodwin, 1808, pp. 474-476.

MASSACHUSETTS.<sup>a</sup>

AN ACT for the purpose of securing to authors the exclusive right and benefit of publishing their literary productions, for twenty-one years.

- 10 1783, Whereas the improvement of knowledge, the progress  
 March 17. of civilization, the public weal of the community, and the advancement of human happiness, greatly depend on the efforts of learned and ingenious persons in the various arts and sciences: As the principal encouragement such persons can have to make great  
 15 and beneficial exertions of this nature, must exist in the legal security of the fruits of their study and industry to themselves; and as such security is one of the natural rights of all men, there being no property more peculiarly a man's own than that which is produced by the labour of his mind:

- 20 Therefore, to encourage learned and ingenious persons to write useful books for the benefit of mankind:

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all books, treatises, and other literary works, having the name or names of the*  
 25 *author or authors thereof printed and published with the same, shall be the sole property of the said author or authors, being subjects of the United States of America, their heirs and assigns, for the full and complete term of twenty-one years, from the date of their first publication.*

- And be it further enacted by the authority aforesaid, That if any*  
 30 *person or persons shall print, re-print, publish, sell or expose to sale, or shall cause to be printed, re-printed, published, sold, or exposed to sale, any book, treatise, or other literary work, not yet printed, written by any subject of the United States of America, whose name, as author, shall have been thereto prefixed, without consent of the author*  
 35 *or authors, or their assigns, during said term, shall forfeit and pay a sum not exceeding three thousand pounds, nor less than five pounds, to the use of such author or authors, or their assigns; to be recovered by action of debt in any court of record proper to try the same. Provided always, that every author of such book, treatise, or other literary*  
 40 *work shall, in order to his holding such sole property in them, present two printed copies of each and every of them to the library of the University of Cambridge, for the use of the said university; and prior to the recovery of the said forfeiture, or any part thereof, shall produce, in*

<sup>a</sup>NOTE.—An interesting early "order" of the Massachusetts Bay Colony, enacted  
 45 May 15, 1672, provided for the enforcement of contracts between authors and printers to prevent the printing of more copies of an author's books than the author himself had agreed upon. For the full text of this document see Note 2, page 113.

open court where such action shall be tried, a receipt of such book, 1  
treatise, or other literary work from the librarian of the said university  
for the time being. Provided also, that this act shall not be construed  
to extend in favor or for the benefit of any author or authors, subject  
or subjects of any other of the United States, until the State or States 5  
of which such authors are subjects shall have passed similar laws for  
securing to authors the exclusive right and benefit of publishing their  
literary productions.

(This act passed March 17, 1783. Chap. 26, of the "Acts and laws  
passed by the great and general court or assembly of Massachusetts: 10  
Begun and held at Boston, the 29th of May, A. D. 1782; and from  
thence continued by adjournments to Wednesday, the 29th of January  
following, and then met.")

In "Acts and laws of the Commonwealth of Massachusetts." fol. Boston,  
B. Edes & Sons, 1781-['83], p. 236. 15

In "The perpetual laws of the Commonwealth of Massachusetts, 1780 to 1789." 15  
fol. Boston, Adams & Nourse, 1789, pp. 369-370.

In "The general laws of Massachusetts, from the adoption of the Constitution,  
to 1822. By Asahel Stearns and Lemuel Shaw, commissioners; Theron Metcalf,  
editor." Vol. 1, 8vo. Boston, 1823, pp. 80-81.

## MARYLAND.

20

## AN ACT respecting literary property.

Whereas printers, booksellers, and other persons may  
1783, take the liberty of printing, reprinting, and publishing,  
April 21. or causing to be printed, reprinted, and published, books 25  
and other writings, without the consent of the authors or proprietors  
of such books and writings, to their great injury: For preventing  
therefore such practices, and for the encouragement of learned men,

II. *Be it enacted by the general assembly of Maryland,* That the  
author of any book or books, writing or writings, already composed 30  
and not printed or published, or that shall be hereafter composed, and  
his executors, administrators, or assigns, shall have the sole liberty of  
printing and reprinting such book or books, writing or writings, for the  
term of fourteen years, to commence from the day of the first publish-  
ing of the same; and that if any other person whatsoever, within the 35  
time granted and limited by this act as aforesaid, shall print, reprint  
import or bring into the State, or cause to be printed, reprinted,  
imported or brought into the State, any such book or books, writing  
or writings, without the consent of the proprietor or proprietors  
thereof first had and obtained in writing, signed in the presence of two 40  
or more witnesses, or knowing the same to be so printed, reprinted,  
imported or brought into the State, without the consent of the pro-  
prietors, shall sell, publish, or expose to sale, any such book or books,  
writing or writings, without such consent first had and obtained as  
aforesaid, then such offender or offenders shall forfeit such book or 45

1 books, writing or writings, to the proprietor or proprietors; and  
 further, that every such offender or offenders shall forfeit two-pence  
 for every sheet which shall be found in his, her, or their custody,  
 either printed or printing, published or exposed to sale, contrary to  
 5 the true intent and meaning of this act.

III. And, whereas many persons may through ignorance offend against  
 this act, unless some provision be made, whereby the property in every  
 such book as is intended by this act to be secured to the proprietor  
 or proprietors thereof may be ascertained: Therefore, be it enacted  
 10 that nothing in this act contained shall be construed to extend to sub-  
 ject any person whatsoever to the forfeitures and penalties herein men-  
 tioned, or by reason of the printing, reprinting, importing, bringing  
 into the State, or causing to be brought into the State, selling or  
 exposing to sale, of any book or books, writing or writings, without  
 15 the consent of the proprietor or proprietors, unless the title to the copy  
 of such book or books, writing or writings, hereafter published, shall,  
 before such publication by the proprietor or proprietors, be entered  
 into a register, to be kept by the clerk of the general court for that  
 purpose; which register may, at all reasonable and convenient times,  
 20 be resorted to and inspected by any person, for the purpose before  
 mentioned, without any fee or reward; and the clerk aforesaid, when  
 and as often as thereunto required, shall give a certificate under his  
 hand of such entry or entries, and for every such certificate may take  
 and receive a fee of three shillings and nine-pence.

25 IV. *And be it enacted*, That all actions or informations for any  
 offence that shall be committed against this act, shall be brought and  
 commenced within twelve months after such offence committed, or the  
 same shall be void and of none effect.

V. *Provided always*, That after the expiration of the aforesaid term  
 30 of fourteen years, the sole right of printing or disposing of copies shall  
 return to the authors thereof, if they are then living, for another term  
 of fourteen years.

VI. This act to commence and be in force from and after the time  
 that similar laws shall be passed respecting literary property in all  
 35 and every of the United States.

In "Laws of Maryland, made and passed, at a session of assembly, begun and  
 held at the city of Annapolis on Monday the 21st of April, 1783." fol. Annap-  
 olis, F. Green, printer to the State [1783], chapter 34.

[The pages are not numbered.]

AN ACT for the promotion and encouragement of literature.

Whereas learning tends to the embellishment of human  
 1783, nature, the honour of the nation, and the general good of  
 May 27. mankind; and as it is perfectly agreeable to the princi-  
 45 ples of equity, that men of learning who devote their time and talents

■ to the preparing treatises for publication, should have the profits that 1  
 ■ may arise from the sale of their works secured to them: Therefore,  
 ■ SEC. 1. *Be it enacted by the council and general assembly of this*  
 ■ *State, and it is hereby enacted by the authority of the same,* That the  
 ■ author of any book or pamphlet not yet printed, being an inhabitant 5  
 ■ or resident in the United States of America, and his heirs and assigns,  
 ■ shall have the exclusive right of printing, publishing, and vending the  
 ■ same within this State for the term of fourteen years, to commence  
 ■ from the day of its first publication in this State; and if any person  
 ■ or persons within said term of fourteen years, as aforesaid, shall pre- 10  
 ■ sume to print any such book or pamphlet within this State, or to  
 ■ introduce into this State for sale any copies of such book or pamphlet  
 ■ printed beyond the limits of this State, or shall knowingly publish,  
 ■ vend, utter, or distribute the same without the consent of the author  
 ■ or proprietor thereof in writing, duly attested, every such person or 15  
 ■ persons shall forfeit and pay to the author or proprietor of such book  
 ■ or pamphlet double the value of all the copies of such book or pam-  
 ■ phlet so printed, introduced, distributed, vended, or exposed for sale,  
 ■ to be recovered by such author or proprietor in any court of this  
 ■ State where the same may be cognizable: *Provided, nevertheless,* That 20  
 ■ no author, assignee, or proprietor of any such book or pamphlet  
 ■ shall be entitled to the benefit of this act until he shall duly register  
 ■ his name as author, assignee, or proprietor, with the title of such book  
 ■ or pamphlet in the secretary's office of this State, who is hereby  
 ■ required to enter the same on record. 25

2. *And be it further enacted by the authority aforesaid,* That at the  
 expiration of said term of fourteen years, in the cases herein before  
 mentioned, the exclusive right of printing and disposing of any such  
 book or pamphlet in this State, shall return to the author thereof, if  
 then living, his heirs and assigns, for the term of fourteen years more; 30  
 and that all and every person or persons who shall re-print, import,  
 vend, utter, or distribute in this State any copies thereof without the  
 consent of such author or proprietor obtained as aforesaid, during said  
 second term of fourteen years, shall be liable to the same penalties, to  
 be recovered in the same manner as is herein before directed. 35

Passed at Burlington, May 27, 1783.

(*Note.*—This act was repealed 23d session, 3d sitting, 1799.)

Taken from "Acts of the seventh general assembly of the State of New Jersey,  
 at a session begun at Trenton, on the 22d day of October, 1782, and continued  
 by adjournments, being the second sitting." fol. Trenton, printed by Isaac 40  
 Collins, Printer to the State, 1783. Chapter 21, p. 47.

Also printed in "Acts of the general assembly of the State of New Jersey,  
 from the establishment of the present government to December, 1783. Com-  
 piled by Peter Wilson." fol. Trenton, Isaac Collins, 1784, pp. 325-326.

1

## NEW HAMPSHIRE.

AN ACT for the encouragement of literature and genius, and for securing to authors the exclusive right and benefit of publishing their literary productions, for twenty years.

5

1783,  
Nov. 7.

As the improvement of knowledge, the progress of civilization, and the advancement of human happiness, greatly depend on the efforts of ingenious persons in the various arts and sciences; as the principal encouragement such persons can have to make great and beneficial exertions of this nature, must consist in the legal security of the fruits of their study and industry to themselves; and as such security is one of the natural rights of all men, there being no property more peculiarly a man's own than that which is produced by the labour of his mind: Therefore, to encourage the publication of literary productions, honorary and beneficial to the public,

*Be it enacted by the council and house of representatives in general assembly convened, and by the authority of the same,* That all books, treatises, and other literary works, having the name or names of the author or authors thereof, printed and published with the same, shall be the sole property of the said author or authors, being subjects of the United States of America, their heirs and assigns, for the full and complete term of twenty years from the date of their first publication.

*And it is further enacted by the authority aforesaid,* That if any person or persons shall print, re-print, publish, sell, or expose to sale; or shall cause to be printed, re-printed, published, sold, or exposed to sale, any book, treatise, or other literary work, not yet printed, written by any subject of the United States of America whose name as author shall have been thereto prefixed without the consent of the author or authors, or their assigns, during said term, shall forfeit and pay a sum not exceeding one thousand pounds nor less than five pounds, to the use of such author or authors, or their assigns; to be recovered by action of debt in any court of record proper to try the same.

*Provided always,* That this act shall not be construed to extend in favour, or for the benefit of any author or authors, subject or subjects of any other of the United States, until the State or States of which such authors are subjects shall have passed similar laws for securing to authors the exclusive right and benefit of publishing their literary productions.

(*Note.*—This Act was included in the list of acts repealed, contained in title 30, chap. 230, of “The Revised Statutes, passed December 23, 1842,” pp. 475–477.)

In “The Perpetual Laws of the State of New-Hampshire, from July, 1776, to the session in December, 1788, continued into 1789.” 8vo. Portsmouth, J. Melcher, 1789, pp. 161–162.

In “The laws of the State of New-Hampshire.” 8vo. Portsmouth, J. Melcher, 1792, pp. 277–278.

In "The laws of New-Hampshire." 8vo. Portsmouth, J. Melcher, 1797, 1  
pp. 308-309.

In "Constitution and laws of the State of New-Hampshire." 8vo. Dover,  
S. Bragg, jr., 1805, pp. 294-295.

In "The laws of New-Hampshire." 8vo. Exeter, C. Norris & Co., 1815, 5  
pp. 365-366.

In "The laws of New-Hampshire." 8vo. Hopkinton, I. Long, jr., 1830,  
pp. 174-175.

## RHODE ISLAND.

AN ACT for the purpose of securing to authors the exclusive right and benefit of 10  
publishing their literary productions, for twenty-one years.

Whereas the improvement of knowledge, the progress  
1783, of civilization, the public weal of the community, and the  
Dec. sess. advancement of human happiness, greatly depend on the  
efforts of learned and ingenious persons, in the various arts and 15  
sciences; as the principal encouragement such persons can have to  
make great and beneficial exertions of this nature, must exist in the  
legal security of the fruits of their study and industry to themselves;  
and as such security is the natural right of all men, there being no  
property more peculiarly a man's own than that which is produced 20  
by the labour of his mind;

*Be it therefore enacted by this general assembly, and by the authority  
thereof it is enacted,* That all books, treatises, and other literary pro-  
ductions, having the name of the author or authors thereof published  
and printed with the same, shall be the sole property of such author 25  
or authors, being citizens of the United States of America, their heirs  
and assigns, for the full and complete term of twenty-one years from  
the date of the publication.

*And be it further enacted by the authority aforesaid,* That if any  
person or persons shall print, reprint, publish, sell, or expose to sale, 30  
or shall cause to be printed, reprinted, published, sold, or exposed to  
sale, any book, treatise, or other literary production, not yet printed,  
written by any citizen or citizens of the United States of America,  
whose name or names, as author or authors, shall be thereto prefixed,  
without the consent of the author or authors, or their assigns, during 35  
the said term of twenty-one years, shall forfeit and pay a sum not  
exceeding three thousand pounds, lawful money, nor less than five  
pounds, to the use of such author or authors, or their assigns, to be  
recovered by action of debt, in any court of record proper to try the  
same. 40

*Provided nevertheless, and it is further enacted,* That this act shall  
not be construed to extend to the favour or benefit of any author or  
authors, being a citizen or citizens of any other of the said United  
States, until the State whereof he or they are citizen or citizens  
shall pass similar laws for securing to authors the exclusive right 45  
and benefit of publishing their literary productions.

- 1 Printed in "December, 1783. At the general assembly of the governor and company of the State of Rhode-Island and Providence-Plantations, begun and holden at East-Greenwich on the 4th Monday of December, 1783." fol. [Providence, printed by J. Carter, 1783,] pp. 6-7.

5

## PENNSYLVANIA.

AN ACT for the encouragement and promotion of learning by vesting a right to the copies of printed books in the authors or purchasers of such copies, during the time therein mentioned.

- 10       1784,  
      March 15.       SEC. I. Whereas the honorable the Congress of the United States, by their resolution of the second day of May, one thousand seven hundred and eighty-three, have recommended to the several States to secure to the authors or publishers of any new books not hitherto printed, being citizens of the United States, and to their executors, administrators, and assigns, the copy  
15 right of such books for a certain time.

- SEC. II. And whereas printers, booksellers, and other persons have heretofore frequently taken the liberty of printing, reprinting, and publishing, or causing to be reprinted and published books and other writings without the consent of the author or proprietors of such books  
20 and writings, to their very great detriment and the damage of their families; for preventing, therefore, such practice for the future, and for the encouragement of learned men to compose and write useful books; and in order to give all due force to the recommendations of Congress:

- 25 SEC. III. *Be it enacted, and it is hereby enacted by the representatives of the freemen of the Commonwealth of Pennsylvania in general assembly met, and by the authority of the same,* That from and after the passing of this act, the author of any book or pamphlet not yet printed, being a citizen of the United States of America, and his heirs  
30 and assigns, shall have the exclusive right of printing, publishing, and vending the same within this State for the term of fourteen years, to commence from the day of its first printing or publication in this State; and if any person or persons within the term of fourteen years as aforesaid, shall presume to print, publish, vend, or distribute any  
35 such book or pamphlet within this State; or to introduce into this State for sale any copies of such book or pamphlet, printed beyond the limits of this State, without the consent of the author or proprietor thereof first lawfully obtained, every such person or persons shall forfeit and pay to the author or proprietor of such book or pamphlet double the  
40 value of all the copies of such book or pamphlet so printed, published, vended, distributed or introduced for sale, to be recovered by such author or proprietor in any court of this State where the same may be cognizable; or, if under the value of five pounds, before any two justices of the county where such offense is committed;

- 45 SEC. IV. *Provided nevertheless,* That no author, assignee, or pro-

prietor of any such book or pamphlet shall be entitled to the benefit 1  
of this act, until he shall duly register his name as author, assignee, or  
proprietor, with the title of such book or pamphlet, in the prothono-  
tary's office in the city of Philadelphia, who is hereby required to  
enter the same on record, for which he shall receive five shillings and 5  
no more.

SEC. V. *And be it further enacted by the authority aforesaid,* That  
at the expiration of the aforesaid term of fourteen years in the cases  
herein before mentioned, the exclusive right of printing and disposing  
of any such book or pamphlet in this State, shall return to the author 10  
thereof, if then living, his heirs and assigns, for the term of fourteen  
years more; and that all and every person or persons who shall reprint,  
publish, vend, distribute, or import within this State any copies thereof  
without the consent of such author or proprietor obtained as afore-  
said, during said second term of fourteen years, shall be liable to the 15  
same penalties, to be recovered in the same manner as is herein before  
directed.

SEC. VI. *And provided also,* That no author or proprietor of any  
book or pamphlet shall be entitled to the benefit of this act unless he  
shall insert on the back of the title page a copy of the certificate of 20  
entry obtained of the prothonotary aforesaid, which the said prothon-  
otary is hereby required to grant without any further reward.

SEC. VII. *Provided nevertheless,* That this act shall not take place  
until such time as all and every of the States in the Union shall have  
passed laws similar to the same, in conformity to the recommendation 25  
of Congress aforesaid.

Signed by order of the House,

GEORGE GRAY, *Speaker.*

Enacted into a law at Philadelphia, on Monday the fifteenth day of  
March, in the year of our Lord one thousand seven hundred and 30  
eighty-four.

PETER Z. LLOYD,

*Clerk of the General Assembly.*

In "Laws enacted in the second sitting of the eighth general assembly of the  
Commonwealth of Pennsylvania, which commenced the 13th day of Jan., 1784." 35  
fol. [Philadelphia, T. Bradford, 1784], pp. 306-308, Chapter 125.

#### SOUTH CAROLINA.

AN ACT for the encouragement of arts and sciences.

1784,  
March 26. *Be it enacted by the honorable the senate and house of  
representatives, now met and sitting in general assembly, 40  
and by the authority of the same,* That from and after the

first day of January, one thousand seven hundred and eighty-four, the  
author of any book or books already printed, who hath not transferred  
to any other the copy or copies of such book or books, share or shares



1 thereof, or the bookseller or booksellers, printer or printers, or other  
person or persons, who hath or have purchased or acquired the copy  
or copies of any book or books, in order to print or re-print the same  
shall have the sole right and liberty of printing such book and books  
5 for the term of fourteen years, to commence from the said first day of  
January, and no longer; and that the author of any book or books  
already composed, and not printed and published, or that shall here  
after be composed, and his assignee or assigns, shall have the sole  
liberty of printing and re-printing such book or books for the said  
10 term of fourteen years, to commence from the day of first publishing  
the same, and no longer; and that if any other bookseller, printer or  
any other person whatsoever, from and after the first day of January  
one thousand seven hundred and eighty-four, within the times granted  
and limited by this act as aforesaid, shall print, re-print, or import, or  
15 cause to be printed, re-printed, or imported, any such book or books,  
without the consent of the proprietor or proprietors thereof, first had  
and obtained in writing, signed in the presence of two or more credi-  
ble witnesses; or knowing the same to be so printed or re-printed,  
without the consent of the proprietors, shall sell, publish, or expose to  
20 sale, or cause to [be] sold, published, or exposed to sale, any such book  
or books, without such consent first had and obtained as aforesaid;  
then such offender or offenders shall forfeit such book or books, and  
all and every sheet or sheets, being part of such book or books, to the  
proprietor or proprietors of the copy thereof, who shall forthwith  
25 damask and make waste paper of them; and further, that every  
such offender or offenders shall forfeit one shilling for every sheet  
which shall be found in his, her, or their custody, either printed or  
printing, published or exposed to sale, contrary to the true intent and  
meaning of this act; the one moiety thereof to the State, and the other  
30 moiety thereof to any person or persons that shall sue for the same,  
to be recovered in any court of record of the said State, by action of  
debt, bill, plaint or information, in which no wager of law, essoign,  
privilege or protection, or more than one imparlance, shall be allowed.

And whereas many persons may, through ignorance, offend against  
35 this act, unless some provision be made whereby the property in every  
such book, as is intended by this act to be secured to the proprietor or  
proprietors thereof, may be ascertained, as likewise the consent of  
such proprietor or proprietors for the printing or re-printing of such  
book or books may from time to time be known;

40 *Be it therefore further enacted by the authority aforesaid,* That nothing  
in this act contained shall be construed to extend to subject any  
bookseller, printer, or other person whatsoever, to the forfeitures or  
penalties therein mentioned, for or by reason of the printing or re-print-  
ing of any book or books, without such consent as aforesaid, unless the  
45 title to the copy of such book or books hereafter published, shall, before

such publication, be entered in a register book provided for that purpose by the secretary of the State, which register book shall at all times be kept at the secretary's office; and unless such consent of the proprietor or proprietors be in like manner entered as aforesaid, for every one of which several entries four shillings and eight pence sterling shall be paid, and no more; which said register book may, at all office hours, be resorted to, and inspected, by any bookseller, printer, or other person, for the purposes before mentioned, without any fee or reward; and the secretary shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries, and for every such certificate may take a fee not exceeding two shillings and four pence. *Provided*, That nothing in this act contained do extend, or shall be construed to extend, to prohibit the importation, vending, or selling of any book in Greek, Latin, or any other foreign language, printed beyond the seas; anything in this act to the contrary notwithstanding.

*Be it further enacted by the authority aforesaid*, That whenever any such author or proprietor of such book or pamphlet shall neglect to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his labour, time, expences, and risque of sale, the judges of the court of common pleas in this State, on complaint made thereof to them in writing, are hereby authorized, empowered, and directed to summon such author, or proprietor, to appear before the next court of common pleas to be holden in the district where such author, or proprietor, dwells, if a resident in this State; if not, in the district where such complainant resides; and the said court are hereby authorized and required to enquire into the justice of the said complaint; and, if the same be found true, to take sufficient recognizance and security of such author, or proprietor, conditioned that he shall, within such reasonable time as the said court shall direct, publish, and offer for sale in this State, a sufficient number of copies of such book or pamphlet, at such reasonable price as the said court shall, on due consideration, affix; and if such author, or proprietor, shall, before said court, neglect or refuse to give such security as aforesaid, the said court are hereby authorized and empowered to give to such complainant a full and ample licence to reprint and publish such book or pamphlet, in such number and for such term as said court shall judge just and reasonable, provided such complainant shall give sufficient security before such court, to afford such re-printed edition at such reasonable price as the said court shall thereto affix.

*And be it further enacted by the authority aforesaid*, That the inventors of useful machines shall have a like exclusive privilege of making or vending their machines for the like term of fourteen years, under the same privileges and restrictions hereby granted to, and imposed on, the authors of books.

- 1 *And be it further enacted by the authority aforesaid, That if any*  
 action or suit shall be commenced or brought against any person or  
 persons whatsoever, for doing, or causing to be done, anything in  
 pursuance of this act, the defendants in such case may plead the gen-  
 5 eral issue, and give the special matter in evidence; and if, upon such  
 action, a verdict be given for the defendant, or the plaintiff become  
 nonsuited, or discontinue his action, then the defendant shall have and  
 recover his full costs, for which he shall have the same remedy as a  
 defendant in any case by law hath.
- 10 *Provided nevertheless, That all actions, suits, bills, indictments, or*  
 informations, for any offence that shall be committed against this act,  
 shall be brought, sued, and commenced, within three months next  
 after such offence committed, or else the same shall be void and of  
 none effect.
- 15 *Provided always, That after the expiration of the said term of four-*  
 teen years, the sole right of printing, or disposing of copies, shall  
 return to the authors thereof, if they are then living, for another term  
 of fourteen years.

In the senate-house, the 26th day of March, 1784, and in the eighth  
 20 year of the independence of the United States of America.

JOHN LLOYD,  
*President of the Senate.*

HUGH RUTLEDGE,  
*Speaker of the House of Representatives.*

- 25 In "Acts, Ordinances, and Resolves of the General Assembly of the State of  
 South Carolina, passed in the year 1784." 4to. Charleston, printed by J.  
 Miller, 1784, pp. 49-51.

#### VIRGINIA.

- AN ACT securing to the authors of literary works an exclusive property therein for  
 30 a limited time.

- 1785,  
 October. SECTION I. *Be it enacted by the general assembly, That*  
 the author of any book or pamphlet already printed,  
 being a citizen of any one of the United States, who has  
 not transferred to any other person or persons the copy or copies of  
 35 any such book or pamphlet, share or shares thereof, his heirs and  
 assigns, or the person or persons who have purchased or acquired such  
 copy or copies, share or shares, in order to print or re-print the same,  
 his heirs and assigns shall have the exclusive right of printing and  
 re-printing such book or pamphlet, within this Commonwealth, for  
 40 the term of twenty-one years, to be computed from the first publication  
 thereof; and that the author of any book or pamphlet already com-  
 posed and not printed or published, or that shall hereafter be composed,  
 being a citizen, as aforesaid, his heirs and assigns shall have the exclu-  
 sive right of printing and re-printing such book or pamphlet, within

f this Commonwealth, for the like term of twenty-one years, to be com- 1  
 2 puted from the first publication thereof. And if any person or per-  
 3 sons whatsoever, shall print, re-print, or cause to be printed, or  
 4 re-printed, within this Commonwealth, any such book or pamphlet;  
 5 or shall import into this Commonwealth, from any foreign Kingdom  
 6 or State, any printed or re-printed copies of such book or pamphlet;  
 7 without the consent of the author or proprietor thereof first obtained  
 8 in writing, signed in presence of two credible witnesses at least; or  
 9 who, knowing the same to be so printed, re-printed, or imported, with-  
 10 out such consent first had and obtained, shall publish, sell, or expose  
 11 to sale, or cause to be published, sold, or exposed to sale, any copy or  
 12 copies of any such book or pamphlet; the person or persons offending  
 13 herein, shall forfeit to the party injured, double the value of all the  
 14 copies so printed, re-printed, or imported; or so published, sold, or  
 15 exposed to sale; to be recovered at the suit of such party, in any court  
 of record within this Commonwealth.

SEC. II. *Provided nevertheless*, That no person shall be entitled to the benefit of this act, until he shall have registered the title of such book or pamphlet with the clerk of the council, and procured a certificate of such registry from the said clerk; which certificate the 20 clerk is hereby required to give, taking only three shillings for his trouble.

In "Acts passed at a General Assembly of the Commonwealth of Virginia. Begun and held in Richmond, on the 17th day of October, 1785." fol. Richmond, printed by J. Dunlap & James Hayes [1785], pp. 8-9.

In "The Statutes at large; being a collection of all the laws of Virginia, from 1619, by William Waller Hening." Vol. 12, 8vo. Richmond, 1823, pp. 30-31.

25

## NORTH CAROLINA.

At a general assembly, begun and held at Newbern, on the 19th day of November, in the year of our Lord 1785: Being the first session of 30 this assembly. Chapter 26.

## AN ACT for securing literary property.

1785, November 19. Whereas nothing is more strictly a man's own than the fruit of his study, and it is proper that men should be encouraged to pursue useful knowledge by the hope of 35 reward; and as the security of literary property must greatly tend to encourage genius, to promote useful discoveries, and to the general extension of arts and commerce:

1. *Be it enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the 40 author of any book, map or chart, not hitherto printed, who is a citizen of the United States, and his heirs and assigns, shall have the sole liberty of printing, publishing, and vending the same within this State for the term of fourteen years, to commence on the day of its publi-

1 cation; and if any person or persons within the said term of fourteen  
years, shall presume to print, reprint, or publish any such book, map  
or chart within this State, or shall import any copy or copies of the  
same, which have been reprinted beyond the limits of the State, and  
5 shall knowingly publish, distribute, or vend the same without the con-  
sent of the author or proprietor, in writing, signed in the presence of  
two credible witnesses, such offender or offenders shall forfeit to the  
proprietor all the books, maps or charts thus printed, reprinted  
imported, published, or offered for sale, together with double the  
10 value of the articles so imported; one moiety of which money shall go  
to the State, the other moiety to him who shall sue for the same for  
the benefit of the party injured, in any court of record within this  
State. *Provided nevertheless*, That no author or proprietor of any such  
book, map or chart, shall be entitled to the benefit of this act, unless  
15 he shall, before publication, duly enter his name as author or proprietor,  
together with the title of the book, map or chart to be published, in  
the office of the secretary of the State, who is hereby directed to enter  
the same on record; nor unless he shall, before publication, have deliv-  
ered to the secretary of the State one copy of such book, map or chart  
20 for the use of the executive of the State; of which entry and for which  
copy the secretary is hereby required to give him a certificate and  
receipt.

II. *And be it further enacted*, If the author or publisher of any book  
as aforesaid, shall set an unreasonable price on the same, regard being  
25 had to the probable labour, expence, and risk of such author and pub-  
lisher, the judges of the supreme court, on complaint thereof made in  
writing by two or more persons, are hereby authorized and empowered  
to summons such author or publisher to appear before next supreme  
court, to be holden in that county or district where such author or  
30 publisher usually resides; and said court shall enquire into the justice  
of the complaint, and if the same, on full examination, shall appear to  
be well founded, they shall correct or settle the price; and if said  
author or publisher after such price is fixed by the court, shall sell  
any book at a higher rate, he shall for every offence forfeit twenty  
35 Spanish milled dollars, one moiety to the State and the other moiety  
to the person who shall sue for the same.

III. *And be it further enacted*, That every author who is a citizen in  
any of the United States, and whose work shall originally be published  
in any of the United States where laws similar to this are or may be  
40 passed for the security of literary property, or his assigns, being also  
citizens of the United States, shall be entitled to the benefit of this act  
and none others. *Provided always*, That nothing contained in this act  
shall be construed to prevent any person from reprinting any book,  
map or chart that has been published; or from importing, reprinting,  
45 or publishing any book, map or chart that shall be originally pub-

lished in any other country; nor shall anything in this act be construed 1  
to encourage or protect any authors or publishers of books, maps or  
charts which may be dangerous to civil liberty, or to the peace or  
morals of society.

In "Laws of the State of North-Carolina. Published, according to Act 5  
of Assembly, by James Iredell." fol. Edenton, Hodge & Wills, 1791, pp.  
563-564.

GEORGIA.

AN ACT for the encouragement of literature and genius.

Whereas the principles of natural equity and justice, 10  
1786,  
Feb. 3. require that every author should be secured in receiving  
the profits that may arise from the sale of his works, and  
such security may encourage men of learning and genius to publish  
their writings, which may do honor to their country, and service to  
mankind: 15

*Be it enacted by the representatives of the freemen of the State of  
Georgia, in general assembly met, and by the authority of the same,*  
That the author of any book or pamphlet not yet printed, or of any  
map or chart, being an inhabitant or resident in these United States,  
and his heirs and assigns, shall have the sole liberty of printing, pub- 20  
lishing, and vending the same, within this State, for the term of four-  
teen years, to commence from the day of its first publication in this  
State: And if any person or persons, within said term of fourteen  
years, shall presume to print or re-print any such book, pamphlet, map  
or chart, within this State, or to import or introduce into this State for 25  
sale, any copies thereof, re-printed beyond the limits of this State, or  
shall knowingly publish, vend, and utter or distribute the same, with-  
out the consent of the proprietor thereof in writing, signed in the  
presence of two credible witnesses, every such person or persons shall  
forfeit and pay to the proprietor of such book, pamphlet, map or 30  
chart, double the value of all the copies thereof so printed, imported,  
distributed, vended, or exposed for sale, to be recovered by such pro-  
prietor in due course of law: *Provided nevertheless,* That no author,  
assignee, or proprietor, of any such book, pamphlet, map or chart  
shall be entitled to take the benefit of this statute, until he shall duly 35  
register his name as author, assignee, or proprietor, with the title  
thereof, in the office of the Secretary of the State, who is hereby  
empowered and directed to enter the same on record.

II. *And be it further enacted by the authority aforesaid,* That at the  
expiration of the said term of fourteen years in the cases above men- 40  
tioned, the sole right of printing and disposing of any such book,  
pamphlet, map or chart in this State, shall return to the author thereof,  
if then living, and his heirs and assigns, for the term of fourteen  
years more, to commence at the end of the said first term: And that all

1 and every person or persons who shall re-print, import, vend, utter, or  
distribute in this State, any copies thereof without the consent of  
such proprietor obtained as aforesaid during the said second term of  
fourteen years shall be liable to the same penalties, recoverable in the  
5 same manner as is herein before enacted and provided.

III. *And whereas* it is equally necessary for the encouragement of  
learning, that the inhabitants of this State be furnished with useful  
books, &c., at reasonable prices: *Be it further enacted*, That whenever  
any such author or proprietor of such book, pamphlet, map or chart  
10 shall neglect to furnish the public with sufficient editions thereof, or  
shall sell the same at a price unreasonable, and beyond what may be  
adjudged a sufficient compensation for his labor, time, expense, and  
risk of sale, the chief justice of the State, on complaint thereof made  
to him in writing, is hereby authorized and empowered to summon  
15 such author or proprietor to appear before the next superior court to  
be holden in the county where such author or proprietor dwells, if a  
resident of this State, if not, in the county where such complainant  
dwells, and said court is hereby authorized and empowered to enquire  
into the justice of such complaint, and if the same be found true to  
20 take sufficient security of such author or proprietor conditioned that  
he shall, within such reasonable time as the said court shall direct, pub-  
lish and offer for sale, in this State, a sufficient number of copies of such  
book, pamphlet, map or chart, at such reasonable price as said court  
shall, on due consideration affix; and if such author or proprietor  
25 shall, before said court, neglect or refuse to give such security as  
aforesaid, the said court is hereby authorized and empowered to give  
to such complainant a full and ample licence to re-print and publish  
such book, pamphlet, map or chart in such numbers and for such  
term as said court shall judge just and reasonable: *Provided*, said com-  
30 plainant shall give sufficient security before said court to afford said  
re-printed edition at such reasonable price as said court shall thereto  
affix.

IV. *And be it further enacted*, That any person or persons who shall  
procure and print any unpublished manuscript, without the consent and  
35 approbation of the author or proprietor thereof first had and obtained,  
if such author or proprietor be living and resident in, or inhabitant of  
this or any other of the United States, shall be liable to suffer and pay  
to the said author or proprietor his just damage for such injury, to be  
recovered by action brought on this statute in any court of law in this  
40 State proper to try the same: *Provided always*, That nothing in this  
act shall extend to affect, prejudice, or confirm the rights which any  
person may have to the printing or publishing of any book, pamphlet,  
map or chart at common law, in cases not mentioned in this act, or  
to screen from legal punishment any person or persons who may be  
45 guilty of printing or publishing any book, pamphlet, or paper that

may be prophane, treasonable, defamatory, or injurious to govern- 1  
 ment, morals, or religion: *Provided also*, That this act shall not extend, 1  
 or be construed to extend, in favor or for the benefit of any author or  
 person residing in or inhabitant of any other of the United States  
 until the State or States in which such person or persons reside or 5  
 dwell, shall have passed similar laws in favor of the authors of new  
 publications, and their heirs and assigns.

WILLIAM GIBBONS, *Speaker*.

AUGUSTA, *February 3, 1786*.

In "A Digest of the Laws of the State of Georgia. From its first establishment 10  
 as a British province down to the year 1798, inclusive. By Robert and George  
 Watkins." 4to. Philadelphia, R. Aitken, 1800, pp. 323-325.

In "Digest of the Laws of Georgia, from 1755 to 1800. By Horatio Marbury  
 & William H. Crawford." 4to. Savannah, Seymour, Woolhopter & Stebbins,  
 1802, pp. 342-343. 15

#### NEW YORK.

##### AN ACT to promote literature.

1786,  
 April 29. Whereas it is agreeable to the principles of natural  
 equity and justice that every author should be secured in  
 receiving the profits that may arise from the sale of his or 20  
 her works; and such security may encourage persons of learning and  
 genius to publish their writings, which may do honour to their country  
 and service to mankind:

1. *Be it enacted by the people of the State of New York, represented  
 in senate and assembly, and it is hereby enacted by the authority of the* 25  
*same*, That the author of any book or pamphlet, being an inhabitant  
 or resident in these United States, and his or her heirs and assigns,  
 shall have the sole liberty of printing, publishing, and vending the  
 same within this State, for the term of fourteen years, to commence  
 from the day of its first publication in this State; and if any person or 30  
 persons within the said term of fourteen years as aforesaid, shall pre-  
 sume to print or re-print any such book or pamphlet within this State,  
 or to import or introduce into this State for sale, any copies of such  
 book or pamphlet, reprinted beyond the limits of this State, or shall  
 knowingly publish, vend, utter, or distribute the same, without the 35  
 consent of the proprietor thereof in writing, signed in the presence of  
 two credible witnesses, every such person or persons shall forfeit and  
 pay to the proprietor of such book or pamphlet, double the value of  
 all the copies of such book or pamphlet so re-printed, imported, dis-  
 tributed, vended, or exposed to sale, to be recovered by such proprie- 40  
 tor in any court of law in this State, proper to try the same. *Provided  
 nevertheless*, that no author, assignee, or proprietor of such book or  
 pamphlet, shall be entitled to take the benefit of this act, until he or  
 she shall duly register his or her name, as author, assignee, or pro-



1 proprietor, with the title of such book or pamphlet in the office of the  
Secretary of this State, who is hereby empowered and directed to enter  
the same on record.

II. *And be it further enacted by the authority aforesaid, That at*  
5 *the expiration of the said term of fourteen years, in the cases above*  
*mentioned, the sole right of printing and disposing of any such book*  
*or pamphlet in this State, shall return to the author thereof, if then*  
*living, and his or her heirs or assigns, for the term of fourteen years*  
*more, to commence at the end of the said first term, and that all and*  
10 *every person or persons who shall re-print, import, vend, utter, or*  
*distribute in this State any copies thereof, without the consent of such*  
*proprietor obtained as aforesaid, during the said second term of four-*  
*teen years, shall be liable to the same penalties, recoverable in the*  
*same manner as is herein before enacted and provided.*

15 *And whereas it is equally necessary for the encouragement of learn-*  
*ing, that the inhabitants of this State be furnished with useful books*  
*at reasonable prices:*

III. *Be it further enacted by the authority aforesaid, That whenever*  
*any such author or proprietor of such book or pamphlet shall neglect*  
20 *to furnish the public with sufficient editions thereof, or shall sell the*  
*same at a price unreasonable, and beyond what may be adjudged a*  
*sufficient compensation for his or her labour, time, expences, and risque*  
*of sale, any one of the judges of the supreme court of judicature of this*  
*State, on complaint made thereof to him in writing, is hereby author-*  
25 *ized and empowered to summon such author or proprietor to appear*  
*at the next supreme court of judicature, and the said court are hereby*  
*authorized and empowered to enquire into the justice of the said com-*  
*plaint, and if the same be found true, to take sufficient recognizance*  
*and security of such author or proprietor, conditioned that he or she*  
30 *shall, within such reasonable time as the court shall direct, publish*  
*and offer for sale in this State, a sufficient number of copies of such*  
*book or pamphlet, at such reasonable price as the said court shall on*  
*due consideration affix, and if such author or proprietor shall neglect*  
*or refuse to give such security as aforesaid, the said court are hereby*  
35 *authorized and empowered to give such complainant a full and ample*  
*licence to re-print and publish such book or pamphlet in such numbers*  
*and for such term as the said court shall judge just and reasonable:*  
*Provided, Such complainant shall give sufficient security before the*  
*said court to afford such re-printed edition at such reasonable price as*  
40 *the said court shall thereto affix.*

IV. *And be it further enacted by the authority aforesaid, That any*  
*person or persons who shall procure and print any unpublished manu-*  
*script, without the consent and approbation of the author or propri-*  
*etor thereof first had and obtained, if such author or proprietor be*  
45 *living and resident in, or inhabitant of these United States, shall be*

able to pay to the said author or proprietor his or her damages for 1  
 each injury, to be recovered with costs, by action brought on this act  
 in any court of record. *Provided always*, that nothing in this act shall  
 extend to effect, prejudice, or confirm the rights which any person  
 may have to the printing or publishing of any book, or pamphlet, at 5  
 common law, in cases not mentioned in this act; or to authorize any  
 person or persons to print or publish any book, pamphlet, or paper  
 that may be profane, treasonable, defamatory, or injurious to govern-  
 ment, morals, or religion. *Provided also*, that this act shall not  
 extend or be construed to extend in favour or for the benefit of any 10  
 author or person residing in, or inhabitant of any other of the United  
 States until the State in which such person resides or dwells shall have  
 passed similar laws in favor of the authors of such new publications  
 and their heirs and assigns.

V. *And be it further enacted by the authority aforesaid*, That the 15  
 trustees of the Reformed Protestant Dutch Church, of Flat Bush, in  
 the county of Kings, shall be, and they are hereby authorized to  
 grant, bargain, and sell, in fee simple, such part or parts of their real  
 estate within the said county, to such person or persons, and for such  
 price or prices as they may think proper, for the express purpose of 20  
 erecting an academy in the said county. *Provided*, That the quan-  
 tity which the said trustees shall grant and convey by virtue of this  
 act shall not exceed six acres.

In "Laws of the State of New-York, passed by the legislature of said State at  
 their ninth session." fol. New York, printed by Samuel and John Loudon, 25  
 1786, pp. 99-100.

Also in "Laws of the State of New York, comprising the constitution and the  
 acts of the legislature since the Revolution, from the first to the twelfth session,  
 inclusive. [By Samuel Jones and Richard Varick.]" v. 1. fol. New York,  
 H. Gaine, 1789, pp. 320-322.

Also to be found in "Laws of the State of New-York, comprising the constitu-  
 tion and the acts of the legislature since the Revolution, from the first to the  
 twentieth, inclusive. [By Thomas Greenleaf.]" 2d. ed., v. 1. 8°. New-York,  
 T. Greenleaf, 1798, pp. 274-275.

#### DELAWARE.

35

No copyright law seems to have been enacted by the State of Dela-  
 ware.

### III.

#### PROVISION OF THE CONSTITUTION AS TO THE COPYRIGHT LEGISLATION BY CONGRESS.

CONSTITUTION OF THE UNITED STATES, SEPTEMBER 17, 1787.

ARTICLE I, SEC. 8. The Congress shall have power:

40

To promote the progress of science and useful arts, by securing, for  
 limited times, to authors and inventors, the exclusive right to their  
 respective writings and discoveries.

## IV.

1 PUBLIC ACTS RELATING TO COPYRIGHT PASSED BY THE CONGRESS  
OF THE UNITED STATES, 1790-1905.ORIGINAL COPYRIGHT ACT. (FIRST CONGRESS, SECOND SESSION,  
CHAPTER 15.)

5 AN ACT for the encouragement of learning, by securing the copies of maps, charts  
and books, to the authors and proprietors of such copies, during the times therein  
mentioned.

10                     1790,  
                      May 31.     SECTION 1. *Be it enacted by the Senate and House of*  
                                  *Representatives of the United States of America in Con-*  
                                  *gress assembled,* That from and after the passing of this  
act, the author and authors of any map, chart, book or books already  
printed within these United States, being a citizen or citizens thereof,  
or resident within the same, his or their executors, administrators or  
assigns, who hath or have not transferred to any other person the  
15 copyright of such map, chart, book or books, share or shares thereof;  
and any other person or persons, being a citizen or citizens of these  
United States, or residents therein, his or their executors, adminis-  
trators or assigns, who hath or have purchased or legally acquired the  
copyright of any such map, chart, book or books, in order to print,  
20 reprint, publish or vend the same, shall have the sole right and liberty  
of printing, reprinting, publishing and vending such map, chart, book  
or books, for the term of fourteen years from the recording the title  
thereof in the clerk's office, as is herein after directed: And that the  
author and authors of any map, chart, book or books already made  
25 and composed, and not printed or published, or that shall hereafter  
be made and composed, being a citizen or citizens of these United  
States, or resident therein, and his or their executors, administrators  
or assigns, shall have the sole right and liberty of printing, reprinting,  
publishing and vending such map, chart, book or books, for the like  
30 term of fourteen years from the time of recording the title thereof in  
the clerk's office as aforesaid. And if, at the expiration of the said term,  
the author or authors, or any of them, be living, and a citizen or citi-  
zens of these United States, or resident therein, the same exclusive  
right shall be continued to him or them, his or their executors, admin-  
35 istrators or assigns, for the further term of fourteen years: *Provided,*  
He or they shall cause the title thereof to be a second time recorded  
and published in the same manner as is herein after directed, and that  
within six months before the expiration of the first term of fourteen  
years aforesaid.

40 SEC. 2. *And be it further enacted,* That if any other person or per-  
sons, from and after the recording the title of any map, chart, book  
or books, and publishing the same as aforesaid, and within the times

limited and granted by this act, shall print, reprint, publish, or import, 1  
 or cause to be printed, reprinted, published, or imported from any 1  
 foreign Kingdom or State, any copy or copies of such map, chart, book 2  
 or books, without the consent of the author or proprietor thereof, 3  
 first had and obtained in writing, signed in the presence of two or 5  
 more credible witnesses; or knowing the same to be so printed, 6  
 reprinted, or imported, shall publish, sell, or expose to sale, or cause 7  
 to be published, sold, or exposed to sale, any copy of such map, chart, 8  
 book or books, without such consent first had and obtained in writing 9  
 as aforesaid, then such offender or offenders shall forfeit all and every 10  
 copy and copies of such map, chart, book or books, and all and every 11  
 sheet and sheets, being part of the same, or either of them, to the 12  
 author or proprietor of such map, chart, book or books, who shall forth- 13  
 with destroy the same: And every such offender and offenders shall also 14  
 forfeit and pay the sum of fifty cents for every sheet which shall be 15  
 found in his or their possession, either printed or printing, published, 16  
 imported or exposed to sale, contrary to the true intent and meaning 17  
 of this act, the one moiety thereof to the author or proprietor of such 18  
 map, chart, book or books who shall sue for the same, and the other 19  
 moiety thereof to and for the use of the United States, to be recovered 20  
 by action of debt in any court of record in the United States, wherein 21  
 the same is cognizable. *Provided always*, That such action be com- 22  
 menced within one year after the cause of action shall arise, and not 23  
 afterwards. 24

SEC. 3. *And be it further enacted*, That no person shall be entitled 25  
 to the benefit of this act, in cases where any map, chart, book or books, 26  
 hath or have been already printed and published, unless he shall first 27  
 deposit, and in all other cases, unless he shall before publication deposit 28  
 a printed copy of the title of such map, chart, book or books, in the 29  
 clerk's office of the district court where the author or proprietor shall 30  
 reside: And the clerk of such court is hereby directed and required to 31  
 record the same forthwith, in a book to be kept by him for that pur- 32  
 pose, in the words following, (giving a copy thereof to the said author 33  
 or proprietor, under the seal of the court, if he shall require the same). 34

"District of                      to wit: *Be it remembered*, that on the                      day 35  
 of                      in the                      year of the independence of the United States 36  
 of America, A. B. of the said district, hath deposited in this office the 37  
 title of a map, chart, book or books, (as the case may be) the right 38  
 whereof he claims as author or proprietor, (as the case may be) in the 39  
 words following, to wit: [here insert the title] in conformity to the 40  
 act of the Congress of the United States, intituled 'An act for the 41  
 encouragement of learning, by securing the copies of maps, charts, 42  
 and books, to the authors and proprietors of such copies, during the 43  
 times therein mentioned.' C. D. clerk of the district of                      ." For 44  
 which the said clerk shall be entitled to receive sixty cents from the 45

1 said author or proprietor, and sixty cents for every copy under seal  
 actually given to such author or proprietor as aforesaid. And such  
 author or proprietor shall, within two months from the date thereof,  
 cause a copy of the said record to be published in one or more of the  
 5 newspapers printed in the United States, for the space of four weeks.

SEC. 4. *And be it further enacted*, That the author or proprietor of  
 any such map, chart, book or books, shall, within six months after the  
 publishing thereof, deliver, or cause to be delivered to the Secretary of  
 State a copy of the same, to be preserved in his office.

10 SEC. 5. *And be it further enacted*, That nothing in this act shall be  
 construed to extend to prohibit the importation or vending, reprinting  
 or publishing within the United States, of any map, chart, book or  
 books, written, printed, or published by any person not a citizen of  
 the United States, in foreign parts or places without the jurisdiction  
 15 of the United States.

SEC. 6. *And be it further enacted*, That any person or persons who  
 shall print or publish any manuscript, without the consent and appro-  
 bation of the author or proprietor thereof, first had and obtained as  
 aforesaid, (if such author or proprietor be a citizen of or resident in  
 20 these United States) shall be liable to suffer and pay to the said author  
 or proprietor all damages occasioned by such injury, to be recovered  
 by a special action on the case founded upon this act, in any court  
 having cognizance thereof.

SEC. 7. *And be it further enacted*, That if any person or persons  
 25 shall be sued or prosecuted for any matter, act or thing done under or  
 by virtue of this act, he or they may plead the general issue, and give  
 the special matter in evidence.

Approved, May 31, 1790.

30 In "The Public Statutes at Large of the United States of America, from the  
 Organization of the Government, in 1789, to March 3, 1845. Edited by Richard  
 Peters." Vol. 1, 8vo. Boston, 1845, pp. 124-126.

#### SEVENTH CONGRESS, FIRST SESSION, CHAPTER 36.

AN ACT supplementary to an act, intituled "An act for the encouragement of learn-  
 ing, by securing the copies of maps, charts, and books to the authors and proprie-  
 35 tors of such copies during the time therein mentioned," and extending the benefits  
 thereof to the arts of designing, engraving, and etching historical and other prints.

1802,  
 April 29. *Be it enacted by the Senate and House of Representatives  
 of the United States of America in Congress assembled,*

40 That every person who shall, from and after the first day  
 of January next, claim to be the author or proprietor of any maps,  
 charts, book or books, and shall thereafter seek to obtain a copyright  
 of the same agreeable to the rules prescribed by law, before he shall be  
 entitled to the benefit of the act, intituled "An act for the encourage-  
 ment of learning, by securing the copies of maps, charts, and books, to

the authors and proprietors of such copies, during the time therein 1  
mentioned," he shall, in addition to the requisites enjoined in the third  
and fourth sections of said act, if a book or books, give information  
by causing the copy of the record, which, by said act he is required  
to publish in one or more of the newspapers, to be inserted at full 5  
length in the title-page or in the page immediately following the title  
of every such book or books; and if a map or chart, shall cause the  
following words to be impressed on the face thereof, viz: "*Entered*  
*according to act of Congress, the*                      *day of*                      18                      (here  
insert the date when the same was deposited in the office) *by A. B. of* 10  
*the State of*                      (here insert the author's or proprietor's name and  
the State in which he resides).

SEC. 2. *And be it further enacted,* That from and after the first day  
of January next, every person, being a citizen of the United States,  
or resident within the same, who shall invent and design, engrave, 15  
etch or work, or from his own works and inventions, shall cause to  
be designed and engraved, etched or worked, any historical or other  
print or prints, shall have the sole right and liberty of printing,  
re-printing, publishing and vending such print or prints, for the term  
of fourteen years from the recording the title thereof in the clerk's 20  
office, as prescribed by law for maps, charts, book or books: *Pro-*  
*vided,* he shall perform all the requisites in relation to such print or  
prints, as are directed in relation to maps, charts, book or books, in  
the third and fourth sections of the act to which this is a supplement,  
and shall moreover cause the same entry to be truly engraved on such 25  
plate, with the name of the proprietor, and printed on every such  
print or prints as is herein before required to be made on maps or  
charts.

SEC. 3. *And be it further enacted,* That if any print-seller or other  
person whatsoever, from and after the said first day of January next, 30  
within the time limited by this act, shall engrave, etch or work, as  
aforesaid, or in any other manner copy or sell, or cause to be engraved,  
etched, copied or sold, in the whole or in part, by varying, adding  
to, or diminishing from the main design, or shall print, re-print, or  
import for sale, or cause to be printed, re-printed, or imported for 35  
sale, any such print or prints, or any parts thereof, without the consent  
of the proprietor or proprietors thereof, first had and obtained, in  
writing, signed by him or them respectively, in the presence of two  
or more credible witnesses; or knowing the same to be so printed or  
re-printed, without the consent of the proprietor or proprietors, shall 40  
publish, sell, or expose to sale or otherwise, or in any other manner  
dispose of any such print or prints, without such consent first had and  
obtained, as aforesaid, then such offender or offenders shall forfeit the  
plate or plates on which such print or prints are or shall be copied,  
and all and every sheet or sheets (being part of or whereon such print 45

- 1 or prints are or shall be copied or printed) to the proprietor or proprietors of such original print or prints, who shall forthwith destroy the same; and further, that every such offender or offenders shall forfeit one dollar for every print which shall be found in his, her, or  
 5 their custody; either printed, published, or exposed to sale, or otherwise disposed of, contrary to the true intent and meaning of this act, the one moiety thereof to any person who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered in any court having competent jurisdiction thereof.
- 10 SEC. 4. *And be it further enacted*, That if any person or persons from and after the passing of this act, shall print or publish any map, chart, book or books, print or prints, who have not legally acquired the copyright of such map, chart, book or books, print or prints, and shall, contrary to the true intent and meaning of this act, insert therein  
 15 or impress thereon that the same has been entered according to act of Congress, or words purporting the same, or purporting that the copyright thereof has been acquired; every person so offending shall forfeit and pay the sum of one hundred dollars, one moiety thereof to the person who shall sue for the same, and the other moiety thereof  
 20 to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, having cognizance thereof. *Provided always*, That in every case for forfeitures hereinbefore given, the action be commenced within two years from the time the cause of action may have arisen.
- 25 Approved, April 29, 1802.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 2, 8vo. Boston, 1845, pp. 171-172.

FIFTEENTH CONGRESS, SECOND SESSION, CHAPTER 19.

- 30 AN ACT to extend the jurisdiction of the circuit courts of the United States to cases arising under the law relating to patents.

*Be it enacted by the Senate and House of Representatives*  
*of the United States of America, in Congress assembled,*

1819,  
 February 15. That the circuit courts of the United States shall have  
 35 original cognizance, as well in equity as at law, of all actions, suits, controversies, and cases, arising under any law of the United States, granting or confirming to authors or inventors the exclusive right to their respective writings, inventions, and discoveries: and upon any bill in equity, filed by any party aggrieved in any such cases, shall  
 40 have authority to grant injunctions, according to the course and principles of courts of equity, to prevent the violation of the rights of any authors or inventors, secured to them by any laws of the United States, on such terms and conditions as the said courts may deem fit and reasonable: *Provided, however*, That from all judgments and

decrees of any circuit courts, rendered in the premises, a writ of error 1  
or appeal, as the case may require, shall lie to the Supreme Court of  
the United States, in the same manner, and under the same circum-  
stances, as is now provided by law in other judgments and decrees of  
such circuit courts. 5

Approved, February 15, 1819.

In "The Public Statutes at Large of the United States of America, from the  
Organization of the Government in 1789, to March 3, 1845. Edited by Richard  
Peters." Vol. 3, 8vo. Boston, 1846, pp. 481-482.

TWENTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 16. 10

AN ACT to amend the several acts respecting copyrights.

*Be it enacted by the Senate and House of Representa-*  
1831, *tives of the United States of America, in Congress assem-*  
February 3 *bled, That from and after the passing of this act, any*  
(Revision). *person or persons, being a citizen or citizens of the 15*  
*United States, or resident therein, who shall be the author or authors*  
*of any book or books, map, chart, or musical composition, which may*  
*be now made or composed, and not printed and published, or shall*  
*hereafter be made or composed, or who shall invent, design, etch,*  
*engrave, work, or cause to be engraved, etched, or worked from his 20*  
*own design, any print or engraving, and the executors, administra-*  
*tors, or legal assigns of such person or persons, shall have the sole*  
*right and liberty of printing, reprinting, publishing, and vending*  
*such book or books, map, chart, musical composition, print, cut, or*  
*engraving, in whole or in part, for the term of twenty-eight years 25*  
*from the time of recording the title thereof, in the manner hereinafter*  
*directed.*

SEC. 2. *And be it further enacted, That if, at the expiration of the*  
*aforesaid term of years, such author, inventor, designer, engraver, or*  
*any of them, where the work had been originally composed and made 30*  
*by more than one person, be still living, and a citizen or citizens of*  
*the United States, or resident therein, or being dead, shall have left a*  
*widow, or child, or children, either or all then living, the same*  
*exclusive right shall be continued to such author, designer, or en-*  
*graver, or, if dead, then to such widow and child, or children, for the 35*  
*further term of fourteen years: Provided, That the title of the work*  
*so secured shall be a second time recorded, and all such other regula-*  
*tions as are herein required in regard to original copyrights, be com-*  
*plied with in respect to such renewed copyright, and that within six*  
*months before the expiration of the first term.* 40

SEC. 3. *And be it further enacted, That in all cases of renewal of*  
*copyright under this act, such author or proprietor shall, within two*  
*months from the date of said renewal, cause a copy of the record*



1 thereof to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

SEC. 4. *And be it further enacted*, That no person shall be entitled to the benefit of this act, unless he shall, before publication, deposit a  
5 printed copy of the title of such book, or books, map, chart, musical composition, print, cut, or engraving, in the clerk's office of the district court of the district wherein the author or proprietor shall reside. and the clerk of such court is hereby directed and required to record the same thereof forthwith, in a book to be kept for that purpose, in the  
10 words following (giving a copy of the title, under the seal of the court, to the said author or proprietor, whenever he shall require the same:)  
"District of            to wit: Be it remembered, that on the            day of            anno Domini,            A. B., of the said district, hath deposited in this office the title of a book, (map, chart, or otherwise, as the  
15 case may be,) the title of which is in the words following, to wit: (here insert the title;) the right whereof he claims as author (or proprietor as the case may be;) in conformity with an act of Congress, entitled 'An act to amend the several acts respecting copyrights.' C. D., clerk of the district." For which record, the clerk shall be entitled  
20 to receive, from the person claiming such right as aforesaid, fifty cents; and the like sum for every copy, under seal, actually given to such person or his assigns. And the author or proprietor of any such book, map, chart, musical composition, print, cut, or engraving, shall, within three months from the publication of said book, map, chart,  
25 musical composition, print, cut, or engraving, deliver or cause to be delivered a copy of the same to the clerk of said district. And it shall be the duty of the clerk of each district court, at least once in every year, to transmit a certified list of all such records of copyright, including the titles so recorded, and the dates of record, and also all  
30 the several copies of books or other works deposited in his office according to this act, to the Secretary of State, to be preserved in his office.

SEC. 5. *And be it further enacted*, That no person shall be entitled to the benefit of this act, unless he shall give information of copyright  
35 being secured, by causing to be inserted, in the several copies of each and every edition published during the term secured on the title-page, or the page immediately following, if it be a book, or, if a map, chart, musical composition, print, cut, or engraving, by causing to be impressed on the face thereof, or if a volume of maps, charts, music,  
40 or engravings, upon the title or frontispiece thereof, the following words, viz; "Entered according to act of Congress, in the year            , by A. B., in the clerk's office of the district court of            ," (as the case may be.)

SEC. 6. *And be it further enacted*, That if any other person or per-  
45 sons, from and after the recording the title of any book or books,

ing to this act, shall, within the term or terms herein limited, 1  
publish, or import, or cause to be printed, published, or  
d, any copy of such book, or books, without the consent of the  
legally entitled to the copyright thereof, first had and obtained  
ng, signed in the presence of two or more credible witnesses, 5  
, knowing the same to be so printed or imported, publish, sell,  
se to sale, or cause to be published, sold, or exposed to sale,  
y of such book without such consent in writing; then such  
: shall forfeit every copy of such book to the person legally,  
me, entitled to the copyright thereof; and shall also forfeit and 10  
y cents for every such sheet which may be found in his posses-  
ther printed, or printing, published, imported, or exposed to  
ntrary to the intent of this act, the one moiety thereof to such  
wner of the copyright as aforesaid, and the other to the use of  
ited States, to be recovered by action of debt in any court 15  
competent jurisdiction thereof.

7. *And be it further enacted*, That, if any person or persons,  
re recording the title of any print, cut, or engraving, map,  
r musical composition, according to the provisions of this act,  
ithin the term or terms limited by this act, engrave, etch, or 20  
ell, or copy, or cause to be engraved, etched, worked, or sold,  
ed, either on the whole, or by varying, adding to, or diminish-  
: main design with intent to evade the law; or shall print or  
for sale, or cause to be printed, or imported for sale, any such  
art, musical composition, print, cut, or engraving, or any parts 25  
; without the consent of the proprietor or proprietors of the  
ght thereof, first obtained in writing, signed in the presence of  
edible witnesses; or, knowing the same to be so printed or  
ed without such consent, shall publish, sell, or expose to sale, or  
manner dispose of any such map, chart, musical composition, 30  
ing, cut, or print, without such consent, as aforesaid; then such  
r or offenders shall forfeit the plate or plates on which such  
hart, musical composition, engraving, cut, or print, shall be cop-  
d also all and every sheet thereof so copied or printed as afore-  
o the proprietor or proprietors of the copyright thereof; and 35  
urther forfeit one dollar for every sheet of such map, chart,  
al composition, print, cut, or engraving, which may be found in  
their possession, printed or published, or exposed to sale, con-  
to the true intent and meaning of this act; the one moiety  
f to the proprietor or proprietors, and the other moiety to the 40  
the United States, to be recovered in any court having compe-  
risdiction thereof.

8. *And be it further enacted*, That nothing in this act shall be  
rued to extend to prohibit the importation or vending, printing,  
blishing, of any map, chart, book, musical composition, print or 45

1 engraving, written, composed, or made, by any person not being a citizen of the United States, nor resident within the jurisdiction thereof.

SEC. 9. *And be it further enacted*, That any person or persons who shall print or publish any manuscript whatever without the consent of  
5 the author or legal proprietor first obtained as aforesaid, (if such author or proprietor be a citizen of the United States, or resident therein,) shall be liable to suffer and pay to the author or proprietor, all damages occasioned by such injury, to be recovered by a special action on the case founded upon this act, in any court having cognisance  
10 thereof; and the several courts of the United States empowered to grant injunctions to prevent the violation of the rights of authors and inventors, are hereby empowered to grant injunctions, in like manner, according to the principles of equity, to restrain such publication of any manuscript as aforesaid.

15 SEC. 10. *And be it further enacted*, That, if any person or persons shall be sued or prosecuted, for any matter, act, or thing done under or by virtue of this act, he or they may plead the general issue and give the special matter in evidence.

SEC. 11. *And be it further enacted*, That, if any person or persons,  
20 from and after the passing of this act, shall print or publish any book, map, chart, musical composition, print, cut, or engraving, not having legally acquired the copyright thereof, and shall insert or impress that the same hath been entered according to act of Congress, or words purporting the same, every person so offending shall forfeit and pay  
25 one hundred dollars; one moiety thereof to the person who shall sue for the same, and the other to the use of the United States, to be recovered by action of debt, in any court of record having cognisance thereof.

SEC. 12. *And be it further enacted*, That, in all recoveries under this  
30 act, either for damages, forfeitures, or penalties, full costs shall be allowed thereon, any thing in any former act to the contrary notwithstanding.

SEC. 13. *And be it further enacted*, That no action or prosecution shall be maintained, in any case of forfeiture or penalty under this  
35 act, unless the same shall have been commenced within two years after the cause of action shall have arisen.

SEC. 14. *And be it further enacted*, That the "Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein  
40 mentioned," passed May thirty-first, one thousand seven hundred and ninety, and the act supplementary thereto, passed April twenty-ninth, one thousand eight hundred and two, shall be, and the same are hereby, repealed: saving, always, such rights as may have been obtained in conformity to their provisions.

45 SEC. 15. *And be it further enacted*, That all and several the provi-

his act, intended for the protection and security of copyrights, 1  
 iding remedies, penalties, and forfeitures, in case of violation  
 shall be held and construed to extend to the benefit of the legal  
 or or proprietors of each and every copyright heretofore  
 , according to law, during the term thereof, in the same man- 5  
 such copyright had been entered and secured according to the  
 is of this act.

6. *And be it further enacted*, That, whenever a copyright has  
 etofore obtained by an author or authors, inventor, designer,  
 ver, of any book, map, chart, print, cut, or engraving, or by 10  
 etor of the same: if such author or authors, or either of them,  
 entor, designer, or engraver, be living at the passage of this  
 such author or authors, or the survivor of them, such inven-  
 raver, or designer, shall continue to have the same exclusive  
 his book, chart, map, print, cut, or engraving, with the bene- 15  
 ch and all the provisions of this act, for the security thereof,  
 additional period of time as will, together with the time which  
 ve elapsed from the first entry of such copyright, make up the  
 twenty-eight years, with the same right to his widow, child,  
 lren, to renew the copyright, at the expiration thereof, as is 20  
 rovided in relation to copyrights originally secured under this  
 nd if such author or authors, inventor, designer, or engraver,  
 t be living at the passage of this act, then, his or their heirs,  
 rs and administrators, shall be entitled to the like exclusive  
 ent of said copyright, with the benefit of each and all the pro- 25  
 of this act for the security thereof, for the period of twenty-  
 ars from the first entry of said copyright, with the like privilege  
 wal to the widow, child, or children, of author or authors,  
 r, inventor, or engraver, as is provided in relation to copyrights  
 lly secured under this act: *Provided*, That this act shall not 30  
 to any copyright heretofore secured, the term of which has  
 expired.

roved, February 3, 1831.

1 "The Public Statutes at Large of the United States of America, from the  
 nization of the Government in 1789 to March 3, 1845. Edited by Richard 35  
 son." Vol. 4, 8vo. Boston, 1846, pp. 436-439.

#### TWENTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 157.

T supplementary to the act to amend the several acts respecting copyrights.

14, *Be it enacted by the Senate and House of Representatives*  
 of the United States of America, in Congress assembled, 40  
 30.

That all deeds or instruments in writing for the transfer  
 gnment of copyrights, being proved or acknowledged in such  
 or as deeds for the conveyance of land are required by law to be  
 d or acknowledged in the same State or district, shall and may

1 be recorded in the office where the original copyright is deposited and  
 recorded; and every such deed or instrument that shall in any time  
 hereafter be made and executed, and which shall not be proved or  
 acknowledged and recorded as aforesaid, within sixty days after its  
 5 execution, shall be judged fraudulent and void against any subsequent  
 purchaser or mortgagee for valuable consideration without notice.

SEC. 2. *And be it further enacted*, That the clerk of the district  
 court shall be entitled to such fees for performing the services herein  
 authorized and required, as he is entitled to for performing like  
 10 services under existing laws of the United States.

Approved, June 30, 1834.

In "The Public Statutes at Large of the United States of America, from the  
 Organization of the Government in 1789, to March 3, 1845. Edited by Richard  
 Peters." Vol. 4, 8vo. Boston, 1846, p. 728.

15 TWENTY-NINTH CONGRESS, FIRST SESSION, CHAPTER 178, SECTION 10.

AN ACT to establish the "Smithsonian Institution," for the increase and diffusion  
 of knowledge among men.

SEC. 10. *And be it further enacted*, That the author or  
 1846,  
 August 10. proprietor of any book, map, chart, musical composition,  
 20 print, cut, or engraving, for which a copyright shall be  
 secured under the existing acts of Congress, or those which shall  
 hereafter be enacted respecting copyrights, shall, within three months  
 from the publication of said book, map, chart, musical composition,  
 print, cut, or engraving, deliver, or cause to be delivered, one copy of  
 25 the same to the librarian of the Smithsonian Institution, and one copy  
 to the Librarian of Congress Library, for the use of said libraries.

Approved, August 10, 1846.

In "The Statutes at Large and Treaties of the United States of America, from  
 December 1, 1845, to March 3, 1851. Edited by George Minot." Vol. 9, 8vo.  
 30 Boston, 1851, p. 106.

THIRTY-THIRD CONGRESS, SECOND SESSION, CHAPTER 201, SECTION 5.

AN ACT making appropriations for the service of the Post-Office Department dur-  
 ing the fiscal year, ending the thirtieth of June, one thousand eight hundred  
 and fifty-six.

SEC. 5. *And be it further enacted*, That all books, maps,  
 1855,  
 March 3. charts, or other publications, entered for copyright, and  
 which, under the act of August tenth, eighteen hundred  
 and forty-six, are required to be deposited in the Library of Congress,  
 and in the Smithsonian Institution, may be sent through the mails  
 40 free of postage, under such regulations as the Postmaster-General  
 may prescribe.

Approved, March 3, 1855.

In "The Statutes at Large and Treaties of the United States of America, from  
 December 1, 1851, to March 3, 1855. Edited by George Minot." Vol. 10, 8vo.  
 45 Boston, 1855, p. 685.

## THIRTY-FOURTH CONGRESS, FIRST SESSION, CHAPTER 169.

1

supplemental to an act entitled "An act to amend the several acts respecting copyright," approved February third, eighteen hundred and thirty-one.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* 5

18. That any copyright hereafter granted under the laws of the United States to the author or proprietor of any dramatic composition designed or suited for public representation, shall be deemed and construed to confer upon the said author or proprietor, his heirs or assigns, the sole right to print and publish the said composition, the right also to act, perform, or represent the same, or cause it to be performed, or represented, on any stage or public place during the whole period for which the copyright is obtained; and any manager, actor, or other person acting, performing, or representing the said composition, without or against the consent of the said author or proprietor, his heirs or assigns, shall be liable to damages to be sued for and recovered by action on the case or other equivalent remedy, the costs of suit in any court of the United States, such damages in every case to be rated and assessed at such sum not less than one hundred dollars for the first, and fifty dollars for every subsequent performance as to the court having cognizance thereof shall appear to be just: *And, nevertheless,* That nothing herein enacted shall impair any right to act, perform, or represent a dramatic composition as aforesaid, in which right may have been acquired, or shall in future be acquired by any manager, actor, or other person previous to the securing of the right to the said composition, or to restrict in any way the right of the said author to process in equity in any court of the United States for the better and further enforcement of his rights.

proved, August 18, 1856.

In "The Statutes at Large and Treaties of the United States of America, from September 3, 1855, to March 3, 1859. Edited by George Minot and George P. Fisher." Vol. 11, 8vo. Boston, 1859, pp. 138-139.

## THIRTY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 22, SECTION 8.

AN ACT providing for keeping and distributing all public documents.

59, SECTION 8. *And be it further enacted,* That all books, 35  
January 5. maps, charts, and other publications of every nature whatever heretofore deposited in the Department of State according to the laws regulating copyrights, together with all the records of the Department of State in regard to the same, shall be transferred to, and be under the control of the Department of the Interior, 40  
who is hereby charged with all the duties connected with the same, and with all matters pertaining to copyright, in the same manner and to the same extent that the Department of State is now charged with the same; and hereafter all such publications of every nature what-

1 ever shall, under present laws and regulations, be left with, and kept  
by him.\*

Approved, February 5, 1859.

5 In "The Statutes at Large and Treaties of the United States of America, from  
December 3, 1855, to March 3, 1859. Edited by George Minot and George P.  
Sanger." Vol. 11, 8vo. Boston, 1859, pp. 380-381.

THIRTY-SIXTH CONGRESS, SECOND SESSION, CHAPTER 37.

AN ACT to extend the right of appeal from decisions of circuit courts to the  
Supreme Court of the United States.

10 1861, *Be it enacted by the Senate and House of Representatives*  
February 18. *of the United States of America in Congress assembled,*  
That from all judgments and decrees of any circuit court  
rendered in any action, suit, controversy, or case, at law or in equity,  
arising under any law of the United States granting or confirming to  
15 authors the exclusive right to their respective writings, or to invent-  
ors the exclusive right to their inventions or discoveries, a writ of  
error or appeal, as the case may require, shall lie, at the instance of  
either party, to the Supreme Court of the United States, in the same  
manner and under the same circumstances as is now provided by law  
20 in other judgments and decrees of such circuit courts, without regard  
to the sum or value in controversy in the action.

Approved, February 18, 1861.

25 In "The Statutes at Large, Treaties, and Proclamations of the United States  
of America, from December 5, 1859, to March 3, 1863. Edited by George P.  
Sanger." Vol. 12, 8vo. Boston, 1863, pp. 130-131.

THIRTY-EIGHTH CONGRESS, SECOND SESSION, CHAPTER 126.

AN ACT supplemental to an act entitled "An Act to amend the several acts respecting  
copyright," approved February third, eighteen hundred and thirty-one, and to  
the acts in addition thereto and amendment thereof.

30 1865, *Be it enacted by the Senate and House of Representatives*  
March 3. *of the United States of America in Congress assembled,*  
That the provisions of said act shall extend to and include  
photographs and the negatives thereof which shall hereafter be made,  
and shall enure to the benefit of the authors of the same in the same  
35 manner, and to the same extent, and upon the same conditions as to  
the authors of prints and engravings.

SEC. 2. *And be it further enacted,* That a printed copy of every  
book, pamphlet, map, chart, musical composition, print, engraving,  
or photograph, for which a copyright shall be secured under said acts,  
40 shall be transmitted free of postage or other expense by the author  
or proprietor thereof, within one month of the date of publication, to  
the Library of Congress at Washington for the use of said library; and  
the Librarian of Congress is hereby required to give a receipt in writing  
for the same.

---

\*[i. e., the Secretary of the Interior.]

3. *And be it further enacted*, That if any proprietor of a book, 1  
 et, map, chart, musical composition, print, engraving, or pho-  
 1, for which a copyright shall be secured as aforesaid, shall  
 to deliver the same pursuant to the requirement of this  
 shall be the duty of the Librarian of Congress to make demand 5  
 in writing, at any time within twelve months after the publi-  
 hereof; and in default of the delivery thereof within one month  
 the demand shall have been made, the right of exclusive publi-  
 secured to such proprietor under the acts of Congress respect-  
 copyright shall be forfeited. 10

4. *And be it further enacted*, That in the construction of this  
 the word "book" shall be construed to mean every volume and  
 of a volume, together with all maps, prints or other engravings  
 ing thereto; and shall include a copy of any second or subse-  
 edition which shall be published with any additions, whether 15  
 st edition of such book shall have been published before or after  
 passing of this act: *Provided, however*, That it shall not be  
 ite to deliver to the said library any copy of the second or any  
 quent edition of any book, unless the same shall contain addi-  
 as aforesaid, nor of any book which is not the subject of copy- 20

proved, March 3, 1865.

In "The Statutes at Large, Treaties, and Proclamations of the United States of  
 America, from December, 1863, to December, 1865. Edited by George P.  
 enger." Vol. 13, 8vo. Boston, 1866, pp. 540-541. 25

### THIRTY-NINTH CONGRESS, SECOND SESSION, CHAPTER 43.

AN ACT amendatory of the several acts respecting copyrights.

*Be it enacted by the Senate and House of Representatives*  
 867,  
 of the United States of America in Congress assembled,  
 uary 18. That every proprietor of a book, pamphlet, map, chart, 30  
 cal composition, print, engraving, or photograph, for which a copy-  
 t shall have been secured, who shall fail to deliver to the Library of  
 gress at Washington, a printed copy of every such book, pamphlet,  
 , chart, musical composition, print, engraving, or photograph,  
 in one month after publication thereof, shall, for every such 35  
 ult, be subject to a penalty of twenty-five dollars, to be collected  
 he Librarian of Congress, in the name of the United States, in  
 district or circuit court of the United States within the jurisdiction  
 hich the delinquent may reside or be found.

sec. 2. *And be it further enacted*, That every such proprietor may 40  
 smit any book, pamp[h]let, map, chart, musical composition, print,  
 aving, or photograph, for which he may have secured a copyright,  
 ie Librarian of Congress, by mail free of postage, provided the  
 is "copyright matter" be plainly written or printed on the out-



1 side of the package containing the same; and it shall be the duty of the several postmasters and deputy postmasters, to give a receipt for the same, if requested, and when such package shall be delivered to them, or any of them, to see that the same is safely forwarded to its  
5 destination by mail, without cost or charge to said proprietor.

Approved, February 18, 1867.

In "The Statutes at Large of the United States of America, from December, 1865, to March, 1867. Edited by George P. Sanger." Vol. 14, 8vo. Boston, 1868, p. 395.

10 FORTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 230,  
SECTIONS 85-111.

AN ACT to revise, consolidate, and amend the statutes relating to patents and copyrights.

15       1870,       SEC. 85. *And be it further enacted*, That all records and  
      July 8.     other things relating to copyrights and required by law  
                  to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Com-  
20 mittee of Congress on the Library, shall perform all acts and duties required by law touching copyrights. The Librarian shall cause a seal to be provided for said office, with such device as the Joint Committee on the Library may approve, with which all records or papers issued from said office, and to be used in evidence, shall be authen-  
25 ticated. He shall also give an additional bond, with sureties, to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office. He shall also make an annual report to Congress of the number and  
30 description of copyright publications for which entries have been made during the year. And the Librarian of Congress shall receive a yearly compensation of four thousand dollars, to commence when this act shall take effect.

      SEC. 86. *And be it further enacted*, That any citizen of the United  
35 States, or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and his executors,  
40 administrators, or assigns, shall, upon complying with the provisions of this act, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others;

rs may reserve the right to dramatize or to translate their 1  
s.

. *And be it further enacted*, That copyrights shall be granted  
erm of twenty-eight years from the time of recording the  
of, in the manner hereinafter directed. 5

. *And be it further enacted*, That the author, inventor, or  
if he be still living, and a citizen of the United States or  
herein, or his widow or children, if he be dead, shall have  
exclusive right continued for the further term of fourteen  
on recording the title of the work or description of the arti- 10  
cured a second time, and complying with all other regula-  
regard to original copyrights, within six months before the  
n of the first term. And such person shall, within two  
from the date of said renewal, cause a copy of the record  
o be published in one or more newspapers, printed in the 15  
ates, for the space of four weeks.

9. *And be it further enacted*, That copyrights shall be assign-  
aw, by any instrument of writing, and such assignment shall  
ded in the office of the Librarian of Congress within sixty  
er its execution, in default of which it shall be void as against 20  
equent purchaser or mortgagee for a valuable consideration,  
notice.

10. *And be it further enacted*, That no person shall be entitled  
yright unless he shall, before publication, deposit in the mail  
d copy of the title of the book or other article, or a descrip- 25  
the painting, drawing, chromo, statue, statuary, or model or  
for a work of the fine arts, for which he desires a copyright,  
ed to the Librarian of Congress, and, within ten days from the  
tion thereof, deposit in the mail two copies of such copyright  
other article, or in case of a painting, drawing, statue, statu- 30  
del or design for a work of the fine arts, a photograph of the  
o be addressed to said Librarian of Congress, as hereinafter to  
ided.

11. *And be it further enacted*, That the Librarian of Congress  
eord the name of such copyright book, or other article, forth- 35  
t a book to be kept for that purpose, in the words following:  
ry of Congress, to wit. Be it remembered that on the  
, anno Domini , A. B., of , hath deposited in  
ice the title of a book, (map, chart, or otherwise, as the case  
, or description of the article,) the title or description of which 40  
e following words, to wit; (here insert the title or description,)   
ht whereof he claims as author, originator, (or proprietor, as the  
y be,) in conformity with the laws of the United States respect-  
yrights. C. D., Librarian of Congress." And he shall give a  
f the title or description, under the seal of the Librarian of Con- 45  
to said proprietor whenever he shall require it.

1 or publish any manuscript whatever, without the consent of the author  
or proprietor first obtained, (if such author or proprietor be a citizen  
of the United States, or resident therein,) shall be liable to said author  
or proprietor for all damages occasioned by such injury, to be recovered  
5 by action on the case in any court of competent jurisdiction.

SEC. 103. *And be it further enacted*, That nothing herein contained  
shall be construed to prohibit the printing, publishing, importation, or  
sale of any book, map, chart, dramatic or musical composition, print,  
cut, engraving, or photograph, written, composed, or made by any  
10 person not a citizen of the United States nor resident therein.

SEC. 104. *And be it further enacted*, That no action shall be main-  
tained in any case of forfeiture or penalty under the copyright laws,  
unless the same is commenced within two years after the cause of action  
has arisen.

15 SEC. 105. *And be it further enacted*, That in all actions arising under  
the laws respecting copyrights the defendant may plead the general  
issue, and give the special matter in evidence.

SEC. 106. *And be it further enacted*, That all actions, suits, contro-  
versies, and cases arising under the copyright laws of the United States  
20 shall be originally cognizable, as well in equity as at law, whether civil  
or penal in their nature, by the circuit courts of the United States, or  
any district court having the jurisdiction of a circuit court, or in the  
supreme court of the District of Columbia, or any Territory. And  
the court shall have power, upon bill in equity, filed by any party  
25 aggrieved, to grant injunctions to prevent the violation of any right  
secured by said laws, according to the course and principles of courts  
of equity, on such terms as the court may deem reasonable.

SEC. 107. *And be it further enacted*, That a writ of error or appeal  
to the Supreme Court of the United States shall lie from all judg-  
30 ments and decrees of any court, in any action, suit, controversy, or  
case touching copyrights in the same manner and under the same cir-  
cumstances as in other judgments and decrees of such courts, without  
regard to the sum or value in controversy.

SEC. 108. *And be it further enacted*, That in all recoveries under the  
35 copyright laws, either for damages, forfeitures, or penalties, full costs  
shall be allowed thereon.

SEC. 109. *And be it further enacted*, That all books, maps, charts,  
and other publications of every nature whatever, heretofore deposited  
in the Department of the Interior, according to the laws regulating  
40 copyrights, together with all the records of said Department, and all  
records concerning the same which were removed by the Department  
of the Interior from the Department of State, shall be removed to  
and be under the control of the Librarian of Congress, who is hereby  
charged with all the duties pertaining to copyrights required by law.

45 SEC. 110. *And be it further enacted*, That the clerk of each of the

courts of the United States shall transmit forthwith to the  
 a of Congress all books, maps, prints, photograp[h]s, music,  
 r publications of every nature whatever, deposited in the said  
 ffice, and not heretofore sent to the Department of the Inte-  
 Washington, together with all records of copyright in his 5  
 on, including the titles so recorded, and the dates of record:  
 l, That where there are duplicate copies of legal, scientific, or  
 cal works, one copy of each may be deposited in the library  
 atent Office, for which a receipt shall be given by the Com-  
 r of Patents to the Librarian of Congress. 10

11. *And be it further enacted*, That the acts and parts of acts  
 h in the schedule of acts cited, hereto annexed, are hereby  
 , without reviving any acts or parts of acts repealed by any  
 acts, or by any clause or provisions therein: *Provided, however*,  
 e repeal hereby enacted shall not affect, impair, or take away 15  
 it existing under any of said laws; but all actions and causes  
 a, both in law and in equity, which have arisen under any of  
 rs, may be commenced and prosecuted, and if already com-  
 may be prosecuted to final judgment and execution, in the  
 anner as though this act had not been passed, excepting that 20  
 edial provisions of this act shall be applicable to all suits and  
 lings hereafter commenced: *And provided also*, That all appli-  
 for patents pending at the time of the passage of this act, in  
 here the duty has been paid, shall be proceeded with and acted  
 e same manner as though filed after the passage thereof: *And* 25  
*and further*, That all offences which are defined and punishable  
 ny of said acts, and all penalties and forfeitures created thereby,  
 urred before this act takes effect, may be prosecuted, sued for,  
 overed, and such offences punished according to the provisions  
 acts, which are continued in force for such purpose. 30

chedule of Statutes Cited and Repealed as Printed in the Statutes at Large.

#### COPYRIGHTS.

February 15, 1819, chapter 19, volume 3, page 481.  
 February 3, 1831, chapter 16, volume 4, page 436.  
 June 30, 1834, chapter 157, volume 4, page 728. 35  
 August 18, 1856, chapter 169, volume 11, page 138.  
 February 5, 1859, chapter 22, volume 11, page 380.  
 February 18, 1861, chapter 37, volume 12, page 130.  
 March 3, 1865, chapter 126, volume 13, page 540.  
 February 18, 1867, chapter 43, volume 14, page 395. 40  
 proved July 8, 1870.

in "The Statutes at Large and Proclamations of the United States of America,  
 m December, 1869 to March, 1871. Edited by George P. Sanger." Vol. 16,  
 s. Boston, 1871, pp. 212-217.

1 FORTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 335,  
SECTION 184.

AN ACT to revise, consolidate, and amend the statutes relating to the Post-Office Department.<sup>a</sup>

5 1872, *Be it enacted by the Senate and House of Representa-*  
June 8. *tives of the United States of America in Congress assem-*  
*bled, \* \* \**

SEC. 184. That the following mail-matter shall be allowed to pass free in the mail: \* \* \*

10 Fifth. Copyright matter to the librarian of Congress, if marked on the package, "copyright matter." \* \* \*

Approved, June 8, 1872.

In "The Statutes at Large and Proclamations of the United States of America, from March, 1871, to March, 1873. Edited by George P. Sanger." Vol. 17,  
15 8vo. Boston, 1873, pp. 283, 306, 307, 330.

REVISED STATUTES, TITLE 13, THE JUDICIARY.

1873,  
DEC. 1.  
(Revision.)

CHAPTER 7.—CIRCUIT COURT—JURISDICTION.

SEC. 629. The circuit courts shall have original jurisdiction as follows: \* \* \* Ninth. Of all suits at law or in equity arising under  
20 the patent or copyright laws of the United States. (Rev. Stat., 1878, pp. 110, 111.)

CHAPTER 11.—SUPREME COURT—JURISDICTION.

SEC. 699. A writ of error may be allowed to review any final judgment at law, and an appeal shall be allowed from any final decree in  
25 equity hereinafter mentioned, without regard to the sum or value in dispute:

First. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any Territory,  
30 in any case touching patents-rights or copyrights. (Rev. Stat., 1878, p. 130.)

CHAPTER 12.—PROVISIONS COMMON TO MORE THAN ONE COURT OR JUDGE.

SEC. 711. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclu-  
35 sive of the courts of the several states: \* \* \* Fifth. Of all cases arising under the patent-right or copyright laws of the United States. (Rev. Stat., 1878, pp. 134, 135.)

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<sup>a</sup> See note 3, p. 113.

## CHAPTER 18.—PROCEDURE.

1

In all recoveries under the copyright laws, either for forfeitures, or penalties, full costs shall be allowed thereon. (1878, p. 183.)

Revised Statutes of the United States, passed at the first session of the 45th Congress, 1873-74." Second edition, 8vo. Washington, 1878, pp. 130, 134, 135, 183.

## REVISED STATUTES, TITLE 60, PATENTS, TRADE-MARKS AND COPYRIGHTS.

## CHAPTER 3.—COPYRIGHTS.

10

	Sec.
Books to be under charge of Librarian of Congress, office.	4962. Publication of notice of entry for copyright prescribed.
Report of Librarian.	4963. Penalty for false publication of notice of entry.
Publications may be entered for copyright.	4964. Damages for violation of copyright of books. 15
Term of copyright.	4965. For violating copyright of maps, charts, prints, &c.
Duration of term.	4966. For violating copyright of dramatic compositions. 20
Deposit of copyrights and return.	4967. Damages for printing or publishing any manuscript without consent of author, &c.
Deposit of title and published copy.	4968. Limitation of action in copyright cases. 25
Deposit of entry and attested copy.	4969. Defenses to action in copyright cases.
Deposit of copyright works to be sent to Librarian of Congress.	4970. Injunctions in copyright cases.
Penalty for omission.	4971. Aliens and non-residents not privileged. 30
Officers to give receipts.	

3. All records and other things relating to copyrights and by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress. The Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee on the Library, shall perform all acts and duties by law touching copyrights.

9. The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated. 40

10. The Librarian of Congress shall give a bond, with surety, to the Treasurer of the United States, in the sum of five thousand dollars, on the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his

45

1 SEC. 4951. The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

SEC. 4952. Any citizen of the United States or resident therein, who  
5 shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any  
10 such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors  
15 may reserve the right to dramatize or to translate their own works.

SEC. 4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner herein-after directed.

SEC. 4954. The author, inventor, or designer, if he be still living and  
20 a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights,  
25 within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

SEC. 4955. Copyrights shall be assignable in law, by any instrument  
30 of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

SEC. 4956. No person shall be entitled to a copyright unless he shall,  
35 before publication, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or a model or design for a work of the fine  
40 arts, for which he desires a copyright, nor unless he shall also, within ten days from the publication thereof, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book or other article, or in case of a painting, drawing,

tuary, model, or design for a work of the fine arts, a photo- 1  
he same.

57. The Librarian of Congress shall record the name of such  
book or other article, forthwith, in a book to be kept for  
ose, in the words following: "Library of Congress, to wit: 5  
embered that on the       day of       , A. B., of       ,  
sited in this office the title of a book, (map, chart, or other-  
he case may be, or description of the article,) the title or  
n of which is in the following words, to wit: (here insert  
r description,) the right whereof he claims as author, (origi- 10  
roprietor, as the case may be,) in conformity with the laws  
ited States respecting copyrights. C. D., Librarian of Con-  
And he shall give a copy of the title or description, under  
of the Librarian of Congress, to the proprietor whenever he  
ire it. 15

58. The Librarian of Congress shall receive, from the per-  
hom the services designated are rendered, the following fees:  
For recording the title or description of any copyright book  
article, fifty cents.

l. For every copy under seal of such record actually given to 20  
on claiming the copyright, or his assigns, fifty cents.

. For recording any instrument of writing for the assignment  
yright, fifteen cents for every one hundred words.

h. For every copy of an assignment, ten cents for every one  
l words. 25

ees so received shall be paid into the Treasury of the United

4959. The proprietor of every copyright book or other article  
liver at the office of the Librarian of Congress, or deposit in  
l addressed to the Librarian of Congress at Washington, Dis- 30  
Columbia, within ten days after its publication, two complete  
copies thereof, of the best edition issued, or description or  
aph of such article as hereinbefore required, and a copy of  
ubsequent edition wherein any substantial changes shall be

35

4960. For every failure on the part of the proprietor of any  
ht to deliver or deposit in the mail either of the published  
or description or photograph, required by sections four thou-  
ie hundred and fifty-six, and four thousand nine hundred and  
ie, the proprietor of the copyright shall be liable to a penalty 40  
ty-five dollars, to be recovered by the Librarian of Congress,  
ame of the United States, in an action in the nature of an  
of debt, in any district court of the United States within the  
tion of which the delinquent may reside or be found.



1 SEC. 4961. The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

SEC. 4962. No person shall maintain an action for the infringement  
5 of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected  
10 and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words, "Entered according to act of Congress, in the year      , by A. B., in the office of the Librarian of Congress, at Washington."

15 SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall  
20 sue for such penalty, and one-half to the use of the United States.

SEC. 4964. Every person who, after the recording of the title of any book as provided by this chapter, shall within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses,  
25 print, publish, or import, or knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

30 SEC. 4965. If any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the  
35 time limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported,  
40 shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported,  
45 or exposed for sale; and in case of a painting, statue, or statuary, he

it ten dollars for every copy of the same in his possession, 1  
sold or exposed for sale; one-half thereof to the proprietor  
her half to the use of the United States.

66. Any person publicly performing or representing any 5  
composition for which a copyright has been obtained, with-  
out the consent of the proprietor thereof, or his heirs or assigns, shall  
be liable for damages therefor, such damages in all cases to be assessed  
by the court, not less than one hundred dollars for the first, and fifty  
dollars for every subsequent performance, as to the court shall appear 10

67. Every person who shall print or publish any manuscript  
without the consent of the author or proprietor first obtained,  
if the author or proprietor is a citizen of the United States, or resi-  
dent therein, shall be liable to the author or proprietor for all damages  
suffered by such injury. 15

68. No action shall be maintained in any case of forfeiture or  
under the copyright laws, unless the same is commenced within  
three years after the cause of action has arisen.

69. In all actions arising under the laws respecting copy-  
right the defendant may plead the general issue, and give the special 20  
verdict.

70. The circuit courts, and district courts having the jurisdic-  
tion, shall have power, upon bill in equity, filed by any  
person aggrieved, to grant injunctions to prevent the violation of any  
right secured by the laws respecting copyrights, according to the course 25  
and principles of courts of equity, on such terms as the court may  
deem reasonable.

71. Nothing in this chapter shall be construed to prohibit the  
importation, publishing, importation, or sale of any book, map, chart, dra-  
matic musical composition, print, cut, engraving, or photograph, 30  
when composed, or made by any person not a citizen of the United  
States or resident therein.

"The Revised Statutes of the United States, passed at the first session of  
Forty-third Congress, 1873-'74." Second edition, 8vo. Washington, 1878,  
157-960. 35

#### FORTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 301.

ACT to amend the law relating to patents, trade marks, and copyrights.

*Be it enacted by the Senate and House of Representatives*  
18. *of the United States of America in Congress assembled,* That  
no person shall maintain an action for the infringement of 40  
copyright unless he shall give notice thereof by inserting in the  
copies of every edition published, on the title page or the page  
immediately following, if it be a book; or if a map, chart, musical  
composition, print, cut, engraving, photograph, painting, drawing,

1 chromo, statue, statuary, or model or design intended to be perfected  
and completed as a work of the fine arts, by inscribing upon some  
visible portion thereof, or of the substance on which the same shall be  
mounted, the following words, viz: "Entered according to act of Con-  
5 gress, in the year           , by A. B., in the office of the Librarian of  
Congress, at Washington;" or, at his option the word "Copyright,"  
together with the year the copyright was entered, and the name of the  
party by whom it was taken out; thus—"Copyright, 18   , by A. B."

SEC. 2. That for recording and certifying any instrument of writing  
10 for the assignment of a copyright, the Librarian of Congress shall  
receive from the persons to whom the service is rendered, one dollar;  
and for every copy of an assignment, one dollar; said fee to cover, in  
either case, a certificate of the record, under seal of the Librarian of  
Congress; and all fees so received shall be paid into the Treasury of  
15 the United States.

SEC. 3. That in the construction of this act, the words "Engrav-  
ing," "cut" and "print" shall be applied only to pictorial illustrations  
or works connected with the fine arts, and no prints or labels designed  
to be used for any other articles of manufacture shall be entered under  
20 the copyright law, but may be registered in the Patent Office. And  
the Commissioner of Patents is hereby charged with the supervision  
and control of the entry or registry of such prints or labels, in con-  
formity with the regulations provided by law as to copyright of prints,  
except that there shall be paid for recording the title of any print or  
25 label not a trade mark, six dollars, which shall cover the expense of  
furnishing a copy of the record under the seal of the Commissioner of  
Patents, to the party entering the same.

SEC. 4. That all laws and parts of laws inconsistent with the fore-  
going provisions be and the same are hereby repealed.

30 SEC. 5. That this act shall take effect on and after the first day of  
August, eighteen hundred and seventy-four.

Approved, June 18, 1874.

In "The Statutes at Large of the United States, from December, 1873, to  
March, 1875." Vol. 18, part 3, 8vo. Washington, 1875, pp. 78-79.

35 Also in "Supplement to the Revised Statutes of the United States. Ed. by  
William A. Richardson." Vol. 1, 8vo. Washington, 1891, pp. 15-16.

#### FORTY-FIFTH CONGRESS, THIRD SESSION, CHAPTER 180, SECTION 15.

AN ACT making appropriations for the service of the Post-Office Department for  
the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other  
40 purposes.

SEC. 15. That foreign newspapers and other periodicals  
1879, of the same general character as those admitted to the  
March 3. second class in the United States may, under the direction  
of the Postmaster General, on application of the publishers thereof, or  
45 their agents, be transmitted through the mails at the same rates as if

in the United States. Nothing in this act shall be so construed as to allow the transmission through the mails of any publication which contains any copyright granted by the United States. Passed, March 3, 1879.

"The Statutes at Large of the United States of America, from October, 1877, to March, 1879." Vol. 20, 8vo. Washington, 1879, p. 359.  
in "Supplement to the Revised Statutes of the United States. Ed. by James A. Richardson." Vol. 1, 8vo. Washington, 1891, p. 247.

SEVENTY-SEVENTH CONGRESS, FIRST SESSION, CHAPTER 368.

AN ACT to amend the statutes in relation to copyright. 10

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That manufacturers of designs for molded decorative tiles, plaques, or articles of pottery or metal subject to copyright put the copyright mark prescribed by section forty-nine and sixty-two of the Revised Statutes, and acts additional upon the back or bottom of such articles, or in such other place on them as it has heretofore been usual for manufacturers of articles to employ for the placing of manufacturers, merchants, or marks thereon. 20  
Passed, August 1, 1882.

"The Statutes at Large of the United States of America, from December, 1882, to March, 1883." Vol. 22, 8vo. Washington, 1883, p. 181.  
in "Supplement to the Revised Statutes of the United States. Ed. by James A. Richardson." Vol. 1, 8vo. Washington, 1891, p. 363. 25

FIFTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 565.

to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

4952. The author, inventor, designer, or proprietor of any map, chart, dramatic or musical composition, engraving, cut, photograph or negative thereof, or of a painting, drawing, sculpture, statue, statuette, and of models or designs intended to be used as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or repre-

1 sented by others; and authors or their assigns shall have exclusive  
right to dramatize and translate any of their works for which copy-  
right shall have been obtained under the laws of the United States.”

5 SEC. 2. That section forty-nine hundred and fifty-four of the  
Revised Statutes be, and the same is hereby, amended so as to read as  
follows:

“SEC. 4954. The author, inventor, or designer, if he be still living,  
or his widow or children, if he be dead, shall have the same exclusive  
right continued for the further term of fourteen years, upon record-  
10 ing the title of the work or description of the article so secured a  
second time, and complying with all other regulations in regard to  
original copyrights, within six months before the expiration of the  
first term; and such persons shall, within two months from the date  
of said renewal, cause a copy of the record thereof to be published  
15 in one or more newspapers printed in the United States for the space  
of four weeks.”

SEC. 3. That section forty-nine hundred and fifty-six of the Revised  
Statutes of the United States be, and the same is hereby, amended so  
that it shall read as follows:

20 “SEC. 4956. No person shall be entitled to a copyright unless he  
shall, on or before the day of publication in this or any foreign coun-  
try, deliver at the office of the Librarian of Congress, or deposit in  
the mail within the United States, addressed to the Librarian of Con-  
gress, at Washington, District of Columbia, a printed copy of the  
25 title of the book, map, chart, dramatic or musical composition, engrav-  
ing, cut, print, photograph, or chromo, or a description of the paint-  
ing, drawing, statue, statuary, or a model or design for a work of the  
fine arts for which he desires a copyright, nor unless he shall also, not  
later than the day of the publication thereof in this or any foreign  
30 country, deliver at the office of the Librarian of Congress, at Wash-  
ington, District of Columbia, or deposit in the mail within the United  
States, addressed to the Librarian of Congress, at Washington, Dis-  
trict of Columbia, two copies of such copyright book, map, chart,  
dramatic or musical composition, engraving, chromo, cut, print, or  
35 photograph, or in case of a painting, drawing, statue, statuary, model,  
or design for a work of the fine arts, a photograph of the same: *Pro-  
vided*, That in the case of a book, photograph, chromo, or lithograph,  
the two copies of the same required to be delivered or deposited as  
above shall be printed from type set within the limits of the United  
40 States, or from plates made therefrom, or from negatives, or draw-  
ings on stone made within the limits of the United States, or from  
transfers made therefrom.” During the existence of such copyright  
the importation into the United States of any book, chromo, litho-

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<sup>a</sup> See note 4, pages 114-115.

r photograph, so copyrighted, or any edition or editions 1  
 or any plates of the same not made from type set, negatives,  
 ags on stone made within the limits of the United States,  
 and it is hereby, prohibited, except in the cases specified in  
 his five hundred and twelve to five hundred and sixteen, 5  
 , in section two of the act entitled 'An act to reduce the  
 and equalize the duties on imports, and for other purposes,'  
 l October first, eighteen hundred and ninety,<sup>a</sup> and except in  
 of persons purchasing for use and not for sale, who import  
 to the duty thereon, not more than two copies of such book at 10  
 time; and except in the case of newspapers and magazines,  
 aining in whole or in part matter copyrighted under the pro-  
 of this act, unauthorized by the author, which are hereby  
 ed from prohibition of importation: *Provided, nevertheless,*  
 the case of books in foreign languages, of which only transla- 15  
 English are copyrighted the prohibition of importation shall  
 only to the translation of the same, and the importation of the  
 n the original language shall be permitted."<sup>b</sup>

4. That section forty-nine hundred and fifty-eight of the  
 d Statutes be, and the same is hereby, amended so that it will 20  
 follows:

c. 4958. The Librarian of Congress shall receive from the per-  
 , whom the services designated are rendered the following fees:  
 rst. For recording the title or description of any copyright  
 or other article, fifty cents. 25

cond. For every copy under seal of such record actually given  
 person claiming the copyright, or his assigns, fifty cents.

ird. For recording and certifying any instrument of writing  
 a assignment of a copyright, one dollar.

ourth. For every copy of an assignment, one dollar. 30

l fees so received shall be paid into the Treasury of the United  
 : *Provided, That* the charge for recording the title or descrip-  
 f any article entered for copyright, the production of a person  
 citizen or resident of the United States, shall be one dollar, to  
 d as above into the Treasury of the United States, to defray the 35  
 ses of lists of copyrighted articles as hereinafter provided for.

id it is hereby made the duty of the Librarian of Congress to  
 h to the Secretary of the Treasury copies of the entries of titles  
 books and other articles wherein the copyright has been com-  
 by the deposit of two copies of such book printed from type 40  
 thin the limits of the United States, in accordance with the pro-  
 s of this act and by the deposit of two copies of such other  
 made or produced in the United States; and the Secretary of the

<sup>a</sup> See note 5, pages 115-119.

<sup>b</sup> See note 6, pages 119-142.

1 Treasury is hereby directed to prepare and print, at intervals of not  
more than a week, catalogues of such title-entries for distribution to  
the collectors of customs of the United States and to the postmasters  
of all post-offices receiving foreign mails, and such weekly lists, as  
5 they are issued, shall be furnished to all parties desiring them, at a  
sum not exceeding five dollars per annum; and the Secretary and the  
Postmaster-General are hereby empowered and required to make  
and enforce such rules and regulations as shall prevent the impor-  
tation into the United States, except upon the conditions above  
10 specified, of all articles prohibited by this act."

SEC. 5. That section forty-nine hundred and fifty-nine of the Revised  
Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4959. The proprietor of every copyright book or other article  
shall deliver at the office of the Librarian of Congress, or deposit in the  
15 mail, addressed to the Librarian of Congress, at Washington, District  
of Columbia, a copy of every subsequent edition wherein any substan-  
tial changes shall be made: *Provided, however,* That the alterations,  
revisions, and additions made to books by foreign authors, heretofore  
published, of which new editions shall appear subsequently to the tak-  
20 ing effect of this act, shall be held and deemed capable of being copy-  
righted as above provided for in this act, unless they form a part of  
the series in course of publication at the time this act shall take effect."

SEC. 6. That section forty-nine hundred and sixty-three of the Revised  
Statutes be, and the same is hereby, amended so as to read as follows:

25 "SEC. 4963. Every person who shall insert or impress such notice,  
or words of the same purport, in or upon any book, map, chart, dra-  
matic, or musical composition, print, cut, engraving, or photograph;  
or other article, for which he has not obtained a copyright, shall be  
liable to a penalty of one hundred dollars, recoverable one-half for the  
30 person who shall sue for such penalty and one-half to the use of the  
United States."

SEC. 7. That section forty-nine hundred and sixty-four of the Revised  
Statutes be, and the same is hereby, amended so as to read as follows:

35 "SEC. 4964. Every person, who after the recording of the title of  
any book and the depositing of two copies of such book, as provided  
by this act, shall, contrary to the provisions of this act, within the  
term limited, and without the consent of the proprietor of the copy-  
right first obtained in writing, signed in presence of two or more wit-  
nesses, print, publish, dramatize, translate, or import, or knowing the  
40 same to be so printed, published, dramatized, translated, or imported,  
shall sell or expose to sale any copy of such book, shall forfeit every  
copy thereof to such proprietor, and shall also forfeit and pay such  
damages as may be recovered in a civil action by such proprietor in  
any court of competent jurisdiction."<sup>a</sup>

That section forty-nine hundred and sixty-five of the Revised Statutes, and the same is hereby, so amended as to read as follows: 1  
 4965. If any person, after the recording of the title of any 2  
 work, dramatic or musical composition, print, cut, engraving, or 3  
 photograph, or of the description of any painting, drawing, 4  
 statuery, or model or design intended to be perfected and exe- 5  
 cuted as a work of the fine arts, as provided by this act, shall within 6  
 a limited, contrary to the provisions of this act, and without 7  
 the consent of the proprietor of the copyright first obtained in writing, 8  
 in the presence of two or more witnesses, engrave, etch, work, 9  
 print, publish, dramatize, translate, or import, either in whole 10  
 or in part, or by varying the main design with intent to evade the law, 11  
 causing the same to be so printed, published, dramatized, trans- 12  
 ferred, or imported, shall sell or expose to sale any copy of such map 13  
 or article as aforesaid, he shall forfeit to the proprietor all the 14  
 copies in which the same shall be copied and every sheet thereof, 15  
 copied or printed, and shall further forfeit one dollar for every 16  
 copy of the same found in his possession, either printing, printed, 17  
 published, imported, or exposed for sale, and in case of a 18  
 map, statue, or statuery, he shall forfeit ten dollars for every 19  
 copy of the same in his possession, or by him sold or exposed for sale; 20  
 and if thereof to the proprietor and the other half to the use of the 21  
 United States.” 22

9. That section forty-nine hundred and sixty-seven of the 23  
 Revised Statutes be, and the same is hereby, amended so as to read as 24  
 follows: 25

4967. Every person who shall print or publish any manu- 26  
 script or whatever without the consent of the author or proprietor first 27  
 reduced to type, shall be liable to the author or proprietor for all damages 28  
 sustained by such injury.” 29

10. That section forty-nine hundred and seventy-one of the 30  
 Revised Statutes be, and the same is hereby, repealed.

11. That for the purpose of this act each volume of a book in 31  
 two or more volumes, when such volumes are published separately 32  
 the first one shall not have been issued before this act shall take 33  
 effect, and each number of a periodical shall be considered an inde- 34  
 pendent publication, subject to the form of copyrighting as above.

12. That this act shall go into effect on the first day of July, 35  
 of the year of our Lord one thousand eight hundred and ninety-one.

13. That this act shall only apply to a citizen or subject of a 36  
 foreign state or nation when such foreign state or nation permits to 37  
 citizens of the United States of America the benefit of copyright on 38  
 substantially the same basis as [to] its own citizens; or when such 39  
 foreign state or nation is a party to an international agreement which 40  
 provides for reciprocity in the granting of copyright, by the terms of 41  
 such agreement. 42



1 which agreement the United States of America may, at its pleasure,  
 become a party to such agreement. The existence of either of the  
 conditions aforesaid shall be determined by the President of the United  
 States by proclamation made from time to time as the purposes of this  
 5 act may require.

Approved, March 3, 1891.

In "The Statutes at Large of the United States of America, from December,  
 1889, to March, 1891." Vol. 26, 8vo. Washington, 1891, pp. 1106-1110.

10 Also in "Supplement to the Revised Statutes of the United States. Ed. by  
 William A. Richardson." Vol. 1, 8vo. Washington, 1891, pp. 951-954.

FIFTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 74.

AN ACT to establish a court of appeals for the District of Columbia, and for other  
 purposes.

15 1893,        SEC. 8. That any final judgment or decree of the said  
 February 9.    court of appeals [of the District of Columbia] may be  
                  re-examined and affirmed, reversed, or modified by the  
                  Supreme Court of the United States, upon writ of error  
 or appeal, in all causes in which the matter in dispute, exclusive of  
 costs, shall exceed the sum of five thousand dollars, in the same man-  
 20 ner and under the same regulations as heretofore provided for in cases  
 of writs of error on judgment or appeals from decrees rendered in the  
 supreme court of the District of Columbia; and also in cases, without  
 regard to the sum or value of the matter in dispute, wherein is involved  
 the validity of any patent or copyright, or in which is drawn in ques-  
 25 tion the validity of a treaty or statute of or an authority exercised  
 under the United States.

In "The Statutes at Large of the United States of America, from December,  
 1891, to March, 1893." Vol. 27, 8vo. Washington, 1893, p. 436.

30 Also in "Supplement to the Revised Statutes of the United States. Ed. by  
 William A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 79.

FIFTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 215.

AN ACT relating to copyrights.

1893,  
 March 3.        *Be it enacted by the Senate and House of Representatives*  
 35                   *of the United States of America in Congress assembled,*  
 That any author, inventor, designer, or proprietor of any  
 book, or other article entitled to copyright, who has heretofore failed  
 to deliver in the office of the Librarian of Congress, or in the mail  
 addressed to the Librarian of Congress, two complete copies of such  
 book, or description or photograph of such article, within the time  
 40 limited by title sixty, chapter three, of the Revised Statutes relating  
 to copyrights, and the acts in amendment thereof, and has complied  
 with all other provisions thereof, who has, before the first day of  
 March, anno Domini eighteen hundred and ninety-three, delivered at

of the Librarian of Congress, or deposited in the mail 1  
to the Librarian of Congress two complete printed copies  
book, or description, or photograph of such article, shall be  
to all the rights and privileges of said title sixty, chapter  
the Revised Statutes and the acts in amendment thereof. 5  
red, March 3, 1893.

The Statutes at Large of the United States of America, from December,  
March, 1893." Vol. 27, 8vo. Washington, 1893, p. 743.

THIRD CONGRESS, THIRD SESSION, CHAPTER 23, SECTION 52.

providing for the public printing and binding and the distribution of public 10  
documents.

SEC. 52. The Public Printer shall sell, under such  
regulations as the Joint Committee on Printing may pre-  
scribe, to any person or persons who may apply additional  
cate stereotype or electrotype plates from which any Gov- 15  
publication is printed, at a price not to exceed the cost of  
ion, the metal and making to the Government and ten per  
added: *Provided*, That the full amount of the price shall be  
on the order is filed: *And provided further*, That no publica-  
rinted from such stereotype or electrotype plates and no other 20  
nent publication shall be copyrighted.  
oved, January 12, 1895.

"The Statutes at Large of the United States of America, from August, 1893,  
arch, 1895." Vol. 28, 8vo. Washington, 1895, p. 608.  
so in "Supplement to the Revised Statutes of the United States. Ed. by 25  
am A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 348.

FIFTY-THIRD CONGRESS, THIRD SESSION, CHAPTER 194.

to amend section forty-nine hundred and sixty-five, chapter three, title  
y, of the Revised Statutes of the United States, relating to copyrights.

*Be it enacted by the Senate and House of Representatives* 30  
5, *of the United States of America in Congress assembled*, That  
h 2. section forty-nine hundred and sixty-five, chapter three,  
ixty, of the Revised Statutes, be, and the same is hereby,  
ed so as to read as follows:

c. 4965. If any person, after the recording of the title of any 35  
hart, dramatic or musical composition, print, cut, engraving,  
tograph, or chromo, or of the description of any painting,  
g, statue, statuary, or model or design intended to be perfected  
ecuted as a work of the fine arts, as provided by this act, shall,  
the term limited, contrary to the provisions of this act, and 40  
t the consent of the proprietor of the copyright first obtained  
ing, signed in presence of two or more witnesses, engrave, etch,

1 work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design, with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such  
 5 map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a  
 10 painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale: *Provided, however,* That in case of any such infringement of the copyright of a photograph made from any object not a work of fine arts, the sum to be recovered in any action brought under the provisions of  
 15 this section shall be not less than one hundred dollars, nor more than five thousand dollars, and: *Provided, further,* That in case of any such infringement of the copyright of a painting, drawing, statue, engraving, etching, print, or model or design for a work of the fine arts or of a photograph of a work of the fine arts, the sum to be recovered in any  
 20 action brought through the provisions of this section shall be not less than two hundred and fifty dollars, and not more than ten thousand dollars. One-half of all the foregoing penalties shall go to the proprietors of the copyright and the other half to the use of the United States."

25 Approved, March 2, 1895.

In "The Statutes at Large of the United States of America, from August, 1893, to March, 1895." Vol. 28, 8vo. Washington, 1895, p. 965.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 437.

30 FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 4.

AN ACT to amend title sixty, chapter three, of the Revised Statutes relating to copyrights.

1897,  
 Jan. 6. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That  
 35 section forty-nine hundred and sixty-six of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4966. Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of said dramatic  
 40 or musical composition, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first and fifty dollars for every subsequent performance, as to the court shall appear to be

the unlawful performance and representation be willful and 1  
such person or persons shall be guilty of a misdemeanor  
conviction be imprisoned for a period not exceeding one  
injunction that may be granted upon hearing after notice  
ndant by any circuit court of the United States, or by a 5  
reof, restraining and enjoining the performance or repre-  
of any such dramatic or musical composition may be served  
ties against whom such injunction may be granted anywhere  
ted States, and shall be operative and may be enforced by  
gs to punish for contempt or otherwise by any other circuit 10  
dge in the United States; but the defendants in said action,  
either of them, may make a motion in any other circuit in  
or they may be engaged in performing or representing said  
or musical composition to dissolve or set aside the said injunc-  
such reasonable notice to the plaintiff as the circuit court or 15  
before whom said motion shall be made shall deem proper;  
! said motion to be made on the plaintiff in person or on his  
in the action. The circuit courts or judges thereof shall  
diction to enforce said injunction and to hear and determine  
to dissolve the same, as herein provided, as fully as if the 20  
re pending or brought in the circuit in which said motion is

clerk of the court, or judge granting the injunction, shall,  
iured to do so by the court hearing the application to dissolve  
e said injunction, transmit without delay to said court a certi- 25  
of all the papers on which the said injunction was granted  
n file in his office."

red, January 6, 1897.

The Statutes at Large of the United States of America, from December,  
March, 1897." Vol. 29, 8vo. Washington, 1897, pp. 481-482. 30  
in "Supplement to the Revised Statutes of the United States. Ed. by  
n A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 536.

FOURTH CONGRESS, SECOND SESSION, CHAPTER 265.—COPY-  
RIGHT DEPARTMENT.

making appropriations for the legislative, executive, and judicial expenses 35  
overnment for the fiscal year ending June thirtieth, eighteen hundred and  
ght, and for other purposes.

COPYRIGHT DEPARTMENT: For the following under the  
direction of the Librarian of Congress, necessary for the  
execution of the copyright law, namely: Register of copy- 40  
three thousand dollars, who shall, on and after July first,  
hundred and ninety-seven, under the direction and supervision  
brarian of Congress, perform all the duties relating to copy-  
nd shall make weekly deposits with the Secretary of the

1 Treasury, and make monthly reports to the Secretary of the Treasury  
and to the Librarian of Congress, and shall, on and after July first,  
eighteen hundred and ninety-seven, give bond to the Librarian of  
Congress in the sum of twenty thousand dollars, with approved sure-  
5 ties, for the faithful discharge of his duties; two clerks, at one thousand  
eight hundred dollars each; two clerks, at one thousand six hundred  
dollars each; three clerks, at one thousand four hundred dollars each;  
ten clerks, at one thousand two hundred dollars each; ten clerks, at  
nine hundred dollars each; two clerks, at seven hundred and twenty  
10 dollars each; in all, thirty-six thousand four hundred and forty dollars.

\* \* \* \* \*

The Librarian of Congress shall on and after July first, eighteen  
hundred and ninety-seven, give bond, payable to the United States, in  
the sum of twenty thousand dollars, with sureties approved by the  
Secretary of the Treasury, for the faithful discharge of his duties  
15 according to law.

The Librarian of Congress shall make to Congress at the beginning  
of each regular session, a report for the preceding fiscal year, as to  
the affairs of the Library of Congress, including the copyright busi-  
ness, and said report shall also include a detailed statement of all  
20 receipts and expenditures on account of the Library and said copy-  
right business.

Approved, February 18, 1897.

In "The Statutes at Large of the United States of America, from December,  
1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, p. 545, 546.

25 Also in "Supplement to the Revised Statutes of the United States. Ed. by  
William A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 554.

#### FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 392.

AN ACT to amend title sixty, chapter three, of the Revised Statutes of the United  
States relating to copyrights.

30                   *Be it enacted by the Senate and House of Representatives*  
          1897,       *of the United States of America in Congress assembled,*  
          March 3.   That section forty-nine hundred and sixty-three of the  
Revised Statutes of the United States be, and the same is hereby,  
amended so as to read as follows:

35 "SEC. 4963. Every person who shall insert or impress such notice,  
or words of the same purport, in or upon any book, map, chart, dra-  
matic or musical composition, print, cut, engraving or photograph,  
or other article, whether such article be subject to copyright or other-  
wise, for which he has not obtained a copyright, or shall knowingly  
40 issue or sell any article bearing a notice of United States copyright  
which has not been copyrighted in this country; or shall import any  
book, photograph, chromo, or lithograph or other article bearing

of copyright or words of the same purport, which is not 1  
 in this country, shall be liable to a penalty of one hun-  
 ders, recoverable one-half for the person who shall sue for  
 lity and one-half to the use of the United States; and the  
 into the United States of any book, chromo, lithograph, 5  
 raph, or other article bearing such notice of copyright, when  
 existing copyright thereon in the United States, is prohib-  
 the circuit courts of the United States sitting in equity are  
 thorized to enjoin the issuing, publishing, or selling of any  
 rked or imported in violation of the United States copy- 10  
 s, at the suit of any person complaining of such violation:  
 , That this act shall not apply to any importation of or sale  
 oods or articles brought into the United States prior to the  
 ereof."

That all laws and parts of laws inconsistent with the fore- 15  
 vision be, and the same are hereby, repealed.  
 ved, March 3, 1897.

The Statutes at Large of the United States of America, from December,  
 o March, 1897." Vol. 29, 8vo. Washington, 1897, pp. 694-695.  
 in "Supplement to the Revised Statutes of the United States. Ed. by 20  
 m A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 613.

#### XTH CONGRESS, FIRST SESSION, CHAPTER 192.—[COPYRIGHT OFFICE.]

making appropriations for the legislative, executive, and judicial expenses  
 Government for the fiscal year ending June thirtieth, nineteen hundred 25  
 , and for other purposes.

COPYRIGHT OFFICE, under the direction of the Librarian  
 of Congress: Register of copyrights, three thousand dol-  
 lars; four clerks, at one thousand eight hundred dollars  
 our clerks, at one thousand six hundred dollars each; two 30  
 at one thousand four hundred dollars each; nine clerks, at one  
 l two hundred dollars each; three clerks, at one thousand dol-  
 ; eight clerks, at nine hundred dollars each; seven clerks, at  
 undred and twenty dollars each; one clerk, six hundred dol-  
 a messenger boy, three hundred and sixty dollars; Arrears, 35  
 ervice: Three clerks, at one thousand two hundred dollars  
 ie porter, seven hundred and twenty dollars; one messenger  
 ee hundred and sixty dollars; in all, fifty-one thousand and  
 ollars.

ved, April 17, 1900.

40

"The Statutes at Large of the United States of America, from December,  
 to March, 1901." Vol. 31, 8vo. Washington, 1901, p. 95.

## 1 FIFTY-EIGHTH CONGRESS, SECOND SESSION, CHAPTER 2.

AN ACT to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition. <sup>a</sup>

5                   1904,  
                  January 7.   • *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
                  That the author of any book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph published abroad prior to November thirtieth, nineteen hundred and four, but not registered for copyright protection  
10 in the United States copyright office, or the heirs and assigns of such author, shall have in the case of any such book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph intended for exhibition at the Louisiana Purchase Exposition the sole liberty of printing, reprinting, publishing,  
15 copying, and vending the same within the limits of the United States for the term herein provided for upon complying with the provisions of this Act.

SEC. 2. That one copy of such book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph,  
20 or photograph to be exhibited as herein provided shall be delivered at the copyright office, Library of Congress, at Washington, District of Columbia, with a statement duly subscribed to in writing that the book or other article is intended for such exhibition and that the copyright protection herein provided for is desired by the copyright proprietor,  
25 whose full name and legal residence is to be stated in the application.

SEC. 3. That the register of copyrights shall record the title of each volume of any such book or other article herein provided for, or if the article lacks a title, shall record a brief description of it sufficient to identify it, in a special series of record books to be designated the  
30 "Interim copyright record books," and shall furnish to the copyright claimant a copy of record under seal of such recorded title or description, and the said title or description is to be included in the Catalogue of Title Entries provided for in section four of the act of March third, eighteen hundred and ninety-one.

35 SEC. 4. That a fee of one dollar and fifty cents shall be paid to the register of copyrights for each title or description to be recorded and a certified copy of the record of the same, and in the case of a work in more than one volume the same amount, one dollar and fifty cents, shall be paid for each volume, and the register of copyrights shall  
40 deposit all such fees paid in the Treasury of the United States, and report and account for the same in accordance with the provisions in

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<sup>a</sup> For importation under this act, see note 8, page 142.

copyright fees of the appropriation act approved February 1  
1, eighteen hundred and ninety-seven.

That the copyright protection herein provided for shall be  
term of two years from the date of the receipt of the book or  
file in the copyright office. 5

That if at any time during the term of the copyright pro-  
tection provided for, two copies of the original text of any such  
or a translation of it in the English language, printed from type  
within the limits of the United States or from plates made there-  
two copies of any such photograph, chromo, or lithograph 10  
from negatives or drawings on stone made within the limits of  
the United States or from transfers made therefrom, are deposited in  
the copyright office, Library of Congress, at Washington, District of  
Columbia, such deposit shall be held to extend the term of copyright  
protection to such book, photograph, chromo, or lithograph for the 15  
term provided for in title sixty, chapter three, of the Revised  
Statutes of the United States, computed from the date of the receipt  
of the book, photograph, chromo, or lithograph and the registration  
number or description as herein provided for.

. That in the case of an original work of the fine arts (a paint- 20  
picture, drawing, statue, statuary, and a model or design intended to be  
classified as a work of the fine arts) which has been produced without  
the aid of the United States prior to the thirtieth day of November,  
eighteen hundred and four, and is intended for exhibition at the Loui-  
siana Purchase Exposition, the author of such work of art, or his heirs 25  
or assigns, shall be granted copyright protection therefor during a  
term of two years from the date of filing in the copyright office,  
Library of Congress, at Washington, District of Columbia, a descrip-  
tion of the said work of art and a photograph of it, and upon paying  
to the register of copyrights one dollar and fifty cents for the regis- 30  
tration of such description, and a copy of record under seal of such  
description.

8. That, except in so far as this Act authorizes and provides  
for temporary copyright protection during the period and for the  
term herein provided for, it shall not be construed or held to in 35  
any manner affect or repeal any of the provisions of the Revised Stat-  
utes relating to copyrights and the Acts amendatory thereof. That  
registration under this Act shall be made after the thirtieth day of  
November, nineteen hundred and four.

Approved, January 7, 1904.

40

"The Statutes at Large of the United States of America, from November,  
to March, 1905." Vol. 33, part 1, 8vo. Washington, 1905, pp. 4-5.



## 1 FIFTY-EIGHTH CONGRESS, THIRD SESSION, CHAPTER 1432.

AN ACT to amend section forty-nine hundred and fifty-two of the Revised Statutes.

Be it enacted by the Senate and House of Representatives  
 1905, of the United States of America in Congress assembled,  
 March 3. That section forty-nine hundred and fifty-two of the  
 5 Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut,  
 10 print, or photograph, or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publish-  
 15 ing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors or their assigns shall have exclusive right to dramatize or translate any of their works for which copyright shall have been  
 20 obtained under the laws of the United States.

"Whenever the author or proprietor of a book in a foreign language, which shall be published in a foreign country before the day of publication in this country, or his executors, administrators, or assigns, shall deposit one complete copy of the same, including all maps and other illus-  
 25 trations, in the Library of Congress, Washington, District of Columbia, within thirty days after the first publication of such book in a foreign country, and shall insert in such copy, and in all copies of such book sold or distributed in the United States, on the title page or the page immediately following, a notice of the reservation of copyright in the  
 30 name of the proprietor, together with the true date of first publication of such book, in the following words: 'Published , nineteen hundred and . Privilege of copyright in the United States reserved under the Act approved , nineteen hundred and five, by ,'  
 35 and shall, within twelve months after the first publication of such book in a foreign country, file the title of such book and deposit two copies of it in the original language or, at his option, of a translation of it in the English language, printed from type set within the limits of the United States, or from plates made therefrom, containing a notice of copyright, as provided by the copyright laws now in force,  
 40 he and they shall have during the term of twenty-eight years from the date of recording the title of the book or of the English translation of it, as provided for above, the sole liberty of printing, reprinting, publishing, vending, translating and dramatizing the said book: *Provided*, That this Act shall only apply to a citizen or subject of a foreign State  
 45 or nation when such foreign State or nation permits to citizens of the

of America the benefit of copyright on substantially the same terms as to its own citizens.”  
 March 3, 1905.

Statutes at Large of the United States of America, from November, 1789, to March 3, 1905.” Vol. 33, part 1, 8vo. Washington, 1905, pp. 1000-1001. 5

V.

ACTS RELATING TO COPYRIGHT PASSED BY THE CONGRESS  
 OF THE UNITED STATES: 1828-1898.

FIFTY-SECOND CONGRESS, FIRST SESSION, CHAPTER 145.

AN ACT to continue a copy-right to John Rowlett. 10

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
 That a copy-right be continued and granted, and the same continued and granted to John Rowlett, for a book, entitled “Tables of Discount or Interest,” for the term of fourteen years from the passage of this act, with all the rights and privileges the same remedies against any person who shall interfere therewith, as are provided by existing laws in relation to copyrights; *And provided,* That it shall be lawful for any person or persons heretofore have published copies of said book, or of parts thereof, to sell such as may have been heretofore published: *And further,* That the said John Rowlett, shall, within two months from the passage of this act, deposit in the office of the district clerk of any district of Pennsylvania, a copy of the title of his book, and all additions as now printed, to be recorded, and shall cause a notice of said record to be advertised, once a week, for four weeks successively, in one or more newspapers printed in the United States, and inserted on the back of the title-page of the books now in circulation, and shall, within six months, deposit a copy of said book in the office of the Secretary of State.  
 Passed, May 24, 1828. 30

The Public Statutes at Large of the United States of America, from the beginning of the Government in 1789, to March 3, 1845. Edited by Richard Henry Stoddard. Vol. 6, 8vo. Boston, 1846, pp. 389-390.

FIFTY-FIRST CONGRESS, FIRST SESSION, CHAPTER 13. 35

TO amend “An Act to continue a copyright of [sic] John Rowlett.”

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
 That notwithstanding any thing contained in the last proviso of the “Act to continue a copyright to John Rowlett,” approved May-fourth day of May, one thousand eight hundred and twenty-eight, only such of the printed books, entitled Rowlett’s Tables

1 of Discount or Interest, as were in the possession of the said John  
Rowlett, at the time of the passage of the said act, are, or shall be,  
required to contain on the back of the title-page of each, a copy of  
the record of the title of the book in the office of the clerk of the  
5 district court for the eastern district of Pennsylvania.

Approved, February 11, 1830.

In "The Public Statutes at Large of the United States of America, from the  
Organization of the Government in 1789, to March 3, 1845. Edited by Richard  
Peters." Vol. 6, 8vo. Boston, 1846, p. 403.

10 TWENTY-SEVENTH CONGRESS, THIRD SESSION, CHAPTER 140.

AN ACT supplemental to the act of the twenty-fourth May, one thousand eight  
hundred and twenty-eight, to continue a copyright to John Rowlett.

1843,  
March 3. *Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,*  
15 That the copyright of John Rowlett, of Philadelphia, as  
author of a useful book, called Rowlett's Tables of Discount and  
Interest, the title whereof was deposited, on the fourth day of Feb-  
ruary, A. D. one thousand eight hundred and two, in the office of the  
clerk of the district court of the United States for the district of  
20 Pennsylvania, which copyright was continued by act of Congress  
dated the twenty-fourth of May, A. D. one thousand eight hundred  
and twenty-eight, be, and the said copyright of John Rowlett is hereby,  
prolonged and continued forward during the term of fourteen years,  
to begin from and at the fourth of February, A. D. one thousand  
25 eight hundred and forty-four, with all rights, remedies, and privileges,  
conferred by copyright by any law of the United States, including all  
improvements and enlargements of the said book thereto made, at any  
till the present time, by the said John Rowlett: *Provided*, That within  
two months next after the passage of this act he shall in all things  
30 comply with the provisions of the laws concerning copyrights, as to  
recording, publishing, depositing, and otherwise manifesting his said  
copyright, in his original work, and all subsequent improvements and  
enlargements, or other changes thereof whatever.

Approved, March 3, 1843.

35 In "The Public Statutes at Large of the United States of America, from the  
Organization of the Government in 1789, to March 3, 1845. Edited by Richard  
Peters." Vol. 6, 8vo. Boston, 1846, p. 897.

THIRTIETH CONGRESS, SECOND SESSION, CHAPTER 57.

AN ACT for the relief of Levi H. Corson, and for other purposes.

1849,  
February 19. *Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,*  
40 That Levi H. Corson be, and he hereby is, authorized to  
deposit in the office of the clerk of the northern district of New York,

the print of a certain perpetual calendar or almanac, of which  
himself to be the original, sole, and only author, inventor,  
author, and to pursue the usual legal measures for the pur-  
suing a copyright, with like effect, to all intents and pur-  
pose, should have been produced if he had not already, by mistake,  
in the southern district of New York, or printed, published,  
copied or exposed of the same: *Provided, always,* That nothing herein  
shall be so construed to affect in any way whatever the  
persons, who, by reason of the proceedings heretofore  
made by the said Levi H. Corson, or otherwise, have printed, pub-  
lished or vendited the said work, or have in any manner availed them-  
selves of the said invention, in the absence of a copy-right duly  
granted by the authors.

*And be it further enacted by the authority aforesaid,* That  
the said Levi H. Corson shall avail himself of the benefits of this  
Act, if he give public notice of the same, in the manner and at the  
time when a publication is made of the copy of the record of his deposit  
with the clerk of the proper district according to law.  
Enacted, February 19, 1849.

The Statutes at Large and Treaties of the United States of America, from  
January 1, 1845, to March 3, 1851. Edited by George Minot." Vol. 9, 8vo.  
1851, p. 763.

FORTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 187.

For the purchase of the copyright of a work published by Thomas H.  
Sumner wherein he describes his new method of ascertaining a ship's position

*Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,*

That in consideration of the transfer to the United States  
copyright of a work wherein Thomas H. Sumner fully describes  
his method of ascertaining a ship's position at sea, when a meri-  
dian of the sun cannot be obtained, there be paid, out of  
any moneys in the treasury not otherwise appropriated, to the said  
Thomas H. Sumner, or his lawful agent or attorney, the sum of ten  
dollars.

*An [and] be it further enacted,* That after the said transfer  
has been made, and the said sum paid, the said copyright shall be  
distinct, and said book may thereafter be published as if no  
copyright had existed.

Enacted, August 2, 1854.

The Statutes at Large and Treaties of the United States of America, from  
January 1, 1851, to March 3, 1855. Edited by G. Minot." Vol. 10, 8vo. Bos-  
ton, 1855, p. 810.

## 1 THIRTY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 16.

AN ACT for the relief of Mistress Henry R. Schoolcraft.

1859,  
January 25. *Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,*

5 That the Secretary of the Interior be, and he is hereby,  
required to cause a copyright to issue securing to Mistress Henry R.  
Schoolcraft, to her heirs, assigns, and legal representatives, the exclu-  
sive right to republish the book entitled "History, Statistics, Condition,  
and Prospects of the Indian Tribes of the United States," heretofore  
10 published under order of Congress, and to make and publish any abridg-  
ment or compilation thereof for the term of fourteen years from the  
passage of this act; and he is further required to transfer and deliver  
to said Mistress Schoolcraft all the plates, the property of the United  
States, used in the printing and illustration of said book: *Provided,*  
15 That the same be accepted in full satisfaction of all manner of claim  
for compensation for work, time, or money expended in the collection  
of materials for said book by Henry R. Schoolcraft.

Approved, January 25, 1859.

20 In "The Statutes at Large and Treaties of the United States of America, from  
December 3, 1855 to March 3, 1859. Edited by George Minot and George P.  
Sanger. Vol. 11, 8vo. Boston, 1859, pp. 557-558.

## THIRTY-NINTH CONGRESS, FIRST SESSION, CHAPTER 99.

AN ACT for the relief of Mrs. William L. Herndon.

25 1866,  
May 24. *Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,*

That the Secretary of the Interior be, and he is hereby,  
required to cause a copyright to issue securing to Mrs. William L.  
Herndon, to her heirs, assigns, and legal representatives, the exclusive  
right to republish the book entitled "Exploration of the Valley of the  
30 Amazon," heretofore published under order of Congress, and to pub-  
lish the same for the term of fourteen years from the passage of this  
act.

Approved, May 24, 1866.

35 In "The Statutes at Large, Treaties, and Proclamations of the United States of  
America, from December, 1865, to March, 1867. Edited by George P. Sanger."  
Vol. 14, 8vo. Boston, 1868, p. 587.

## FORTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 534.

AN ACT for the relief of William Tod Helmuth, of New York.

40 1874,  
June 23. Whereas, William Tod Helmuth, doctor of medicine, of  
the city of New York, has composed and is the author of a  
book entitled "A System of Surgery, by William Tod  
Helmuth, M. D.," in the entering of the title of which book with the  
Librarian of Congress at Washington, on or about the twenty-second

st, eighteen hundred and seventy-two, an imperfect copy 1  
hereof was deposited, and the act relating to copy-rights  
irwise not complied with, but without any improper intent,  
f said William Tod Helmuth, doctor of medicine: There-

5

*acted by the Senate and House of Representatives of the  
es of America in Congress assembled, That said William  
th, doctor of medicine, the author of the book entitled  
of Surgery, by William Tod Helmuth, M. D.,” may,  
y days from the passage of this act, enter an amended and 10  
tle of said book, and deposit two copies of said book with  
an of Congress at Washington, who is hereby directed to  
same; and that upon complying with this law, the right  
liam Tod Helmuth, doctor of medicine, to his said book,  
copyright thereof, shall be the same in all respects as 15  
the requirements of the copyright laws of the United States  
duly complied with when said imperfect title was first  
rith the Librarian of Congress in eighteen hundred and  
o, and when said book was first published. And it shall  
assary for said William Tod Helmuth, doctor of medicine, 20  
in the copies of such book any other or further notice of  
thereto than would have been required had the copyright  
originally duly complied with.  
ed, June 23, 1874.*

*he Statutes at Large of the United States, from December, 1873, to 25  
1875.” Vol. 18, part 3, 8vo. Washington, 1875, p. 618.*

TY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 29.

AN ACT for the relief of Judson Jones.

*Be it enacted by the Senate and House of Representatives  
7. of the United States of America in Congress assembled, 30  
That the copyright of Judson Jones, a citizen of the  
ates residing in the State of Minnesota, in and to a book  
The Alphabet of Orthoepey,” originally published in eighteen  
nd seventy, is hereby declared valid to all intents and pur-  
the said Judson Jones, author of said book, is hereby author- 35  
with the Librarian of Congress the title thereof as it appears  
nted book aforesaid, and such filing is hereby made and  
valid filing if made at any time within ninety days after the  
this act, and the extension of copyright obtained thereon for  
n years following the said eleventh day of January, eighteen 40  
nd ninety-eight, is hereby declared a valid copyright.  
ed, February 17, 1898.*

*he Statutes at Large of the United States of America, from March, 1897,  
1, 1898.” Vol. 30, 8vo. Washington, 1899, p. 1396.*

## VI.

## TERRITORIAL POSSESSIONS OF THE UNITED STATES.

## HAWAII, PORTO RICO AND THE PHILIPPINES.

## PRELIMINARY NOTE.

5 The Attorney General, in an opinion dated December 2, 1898, the full text of which follows, held that the inhabitants of HAWAII were not "in the absence of affirmative legislation by Congress to that effect, entitled to the benefits of our copyright laws." Since that date, however, on April 30, 1900, an "Act to provide a government  
10 for the Territory of Hawaii" was approved to take effect on June 14, same year, and that Act repeals the Hawaiian Copyright Act of June 23, 1888, and provides that the laws of the United States shall be in force. Since June 14, therefore, registrations for copyright protection have been made for works by Hawaiian authors.

15 The Attorney General in the opinion above cited, also stated that PORTO RICO and MANILA not having been at that time formally ceded to the United States, their inhabitants had not become entitled to the rights and privileges of citizens of the United States. Further "when they shall have been directly ceded by treaty to the United States,  
20 and such treaty duly ratified by the Senate, their respective inhabitants will not be entitled to the benefits of the copyright laws unless the treaty, by its terms, confers such right, or Congress shall afterwards extend such laws to the inhabitants of those countries."

The "Act temporarily to provide revenues and a civil government  
25 for Porto Rico, and for other purposes," was approved on April 12, 1900, to go into effect on May 1st of that year. It provides that the laws of the United States shall be in force in Porto Rico. Since May 1st, therefore, registrations for copyright protection of books by Porto Rican authors have been permitted.

30 No action has yet been taken by Congress to secure copyright in the Philippine Islands. But, in response to a question from the Secretary of War, "whether citizens of the Philippine Islands are entitled to avail themselves of the provisions of the copyright, trade-mark, and patent laws of the United States so as to secure the protection thereof  
35 within the States of the Union," the Attorney-General submitted an opinion on July 6, 1904. In relation to copyright the Attorney-General holds that unless citizens of the Philippine Islands "can be properly designated as citizens or subjects 'of a foreign state or nation' they are entitled to avail themselves of the privileges of the  
40 copyright laws of the United States and to receive protection thereunder within the States of the Union."

expresses the opinion that within the meaning of the laws the Philippines are not a foreign state or nation, and that the islands may therefore take advantage of our laws and claim protection thereunder within the United States. Erring to the Attorney-General's opinion of December 2, 1890, he concludes that the decisions of the Supreme Court of the United States announced since 1898 are not in agreement therewith; therefore Filipino authors should be entitled to copyright in the United States.

The Attorney-General also decides that under the proviso to the Act of March 3, 1891, requiring "that in the case of a book, photograph, or lithograph, the two copies of the same required to be printed from type set in the United States, or from plates made therefrom, or from engravings, or drawings on stone made within the limits of the United States, or from transfers made therefrom," books printed from within the territory of the Philippine Islands did not meet the requirements; and that in determining what fees should be charged for the printing of a work by a Filipino author, the law should be construed to "treat a citizen or resident of the Philippine Islands as not a citizen or resident of the United States."

#### HAWAII.

THIRTY-SIXTH CONGRESS, FIRST SESSION, CHAPTER 339.

AN ACT to provide a government for the Territory of Hawaii.

SEC. 5. That the Constitution, and, except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same effect within the said Territory as elsewhere in the United States.

\* \* \*

That the laws of Hawaii not inconsistent with the Constitution of the United States or the provisions of this Act shall have the same force, subject to repeal or amendment by the legislature or the Congress of the United States.

That the constitution of the Republic of Hawaii and the laws of the Territory of Hawaii, as set forth in the following acts, chapters, and sections, relating to civil laws, penal laws, and session laws, and relating to other subjects, are hereby repealed:

LAW: \* \* \* chapter thirty-eight, Copyrights; \* \* \*.

The Statutes at Large of the United States of America, from December, 1901, Vol. 31, 8vo. Washington, 1901, pp. 141-142. 40



1

## HAWAII.

## LAWS, 1888, CHAPTER III.

AN ACT to provide for the registration of copyrights.

5

1888,  
June 23.

*Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:* SEC. 1. That from and after the date of the passage of this Act the author of any map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, or statue, or the author of any model or design intended to be perfected and completed as a work of the fine arts, or the heirs, executors or administrators of a deceased author thereof, may procure a certificate of copyright therefor in the manner hereinafter provided.

SEC. 2. Before anyone shall receive a certificate of copyright an application therefor shall be filed in the Office of the Minister of the Interior verified by oath of the applicant that such applicant is the original and first author of the map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, statue, model or design intended to be perfected and completed as a work of the fine arts, upon which a certificate of copyright is applied for, or if such application shall be made by the legal representative of a deceased author such representative shall make oath that he believes that the said deceased author was the original and first author of the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or the model or design intended to be perfected and completed as a work of the fine arts, and such applicant shall state of what country he is a citizen. Such application shall be accompanied by said oath and by a copy of the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or the model or design intended to be perfected and completed as a work of the fine arts, if the same shall have been published, or if the same shall not have been published, a copy of the title thereof. All such copies shall be preserved in the Department of the Interior, and all such titles shall be recorded in a book to be kept for that purpose in said Department. If the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or if the said model or design intended to be perfected and completed as a work of the fine arts shall not have been published at the time of filing said application, the person or persons making said application shall in order to the validity of the certificate of copyright provided in Section 4 of this Act, deliver or cause to be delivered to the Minister of the Interior a copy of such map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or of the model or design intended to be per-

completed as a work of the fine arts, within one month 1  
publication thereof in this Kingdom.

Upon filing such application the applicant shall pay to the  
the Interior a fee of Five Dollars.

Upon the filing of such application so accompanied, and the 5  
such fee, the Minister of the Interior shall cause to be  
the applicant a Certificate of Copyright under the seal of the  
of the Interior granting to him and to his heirs, executors,  
tors and assigns the exclusive right to print, reprint, pub-  
nd vend the said map, book, chart, musical composition, 10  
engraving, photograph, painting, drawing or statue, or the  
or design intended to be perfected and completed as a work  
arts, throughout the Hawaiian Kingdom for the term of  
ars from the date thereof.

No person shall maintain an action for the infringement of 15  
ght unless he shall give notice thereof by inserting in each  
s map, book, chart, musical composition, print, cut, engrav-  
ograph, painting, drawing or statue, or in his model or  
ended to be perfected and completed as a work of the fine  
ie title page or on the page immediately following it, if it be a 20  
f a map, chart, musical composition, print, cut, engraving,  
ph, painting, drawing, or statue, or model or design intended  
fected and completed as a work of the fine arts, by inscribing  
ie visible portion thereof or of the substance on which the  
ll be mounted the words "*Hawaiian Copyright*" and the 25  
the person to whom the Certificate of Copyright was issued  
ate thus: "*Hawaiian Copyright by A. B., June 10, 1888.*"

In the construction of this Act the words "print", "cut",  
graving" shall be applied only to pictorial illustrations or  
nnected with the fine arts, and no prints or labels designed 30  
ed for any other articles of manufacture shall be certified  
e copyright law.

An Act entitled "An Act to encourage learning in this  
n by securing the copies of charts, maps and books to the  
and proprietors of such copies" approved the 31st day of 35  
er, 1864, and all other laws and parts of laws in conflict with  
isions of this Act are hereby repealed.

This Act shall take effect from and after the date of its  
l.

oved this twenty-third day of June, A. D. 1888.

40

KALAKAUA REX.

e King:

A. THRUSTON,

*Minister of the Interior.*

1 In "Laws of His Majesty Kalakaua I. King of the Hawaiian Islands, passed  
by the Legislative Assembly at its session 1888." 8vo. Honolulu, Gazette  
Pub. Co., 1888, pp. 4-7.

5 Also in "The Civil Laws of the Hawaiian Islands, compiled [by Sidney Miller  
Ballou]". Chapter 38, sections, 496-501, 8vo. Honolulu, 1897, pp. 218-220.

#### PORTO RICO.

#### FIFTY-SIXTH CONGRESS, FIRST SESSION, CHAPTER 191.

AN ACT temporarily to provide revenues and a civil government for Porto Rico, and  
for other purposes.

10 SEC. 8. That the laws and ordinances of Porto Rico now  
1900, in force shall continue in full force and effect, except as  
April 12. altered, amended, or modified hereinafter, or as altered or  
modified by military orders and decrees in force when this Act shall  
15 take effect, and so far as the same are not inconsistent or in conflict  
with the statutory laws of the United States not locally inapplicable, or  
the provisions hereof, until altered, amended, or repealed by the legis-  
lative authority hereinafter provided for Porto Rico or by Act of Con-  
gress of the United States: \* \* \*

20 In "The Statutes at Large of the United States of America, from December,  
1899, to March, 1901." Vol. 31, 8vo. Washington, 1901, pp. 77, 79.

#### COPYRIGHTS—CUBA, PUERTO RICO, THE PHILIPPINE ISLANDS.

The inhabitants of Hawaii, in the absence of affirmative legislation by Congress to  
25 that effect, are not entitled to the benefits of the United States copyright laws.

When Cuba, Puerto Rico, and the Philippine Islands have been duly ceded to the  
United States their respective inhabitants will not be entitled to the benefits of  
the copyright laws unless the treaty by its terms confers such right or Congress  
shall extend such laws to the inhabitants of those countries.

30 Hostilities between nations suspend intercourse and deprive citizens of the hostile  
nations of rights of an international character previously enjoyed.

So long as a state of war exists between Spain and the United States Spanish subjects  
have no right to the privilege of copyright conferred upon Spanish citizens by  
proclamation prior to the declaration of war.

35

DEPARTMENT OF JUSTICE,  
*December 2, 1898.*

SIR: I have the honor to acknowledge the receipt of your communi-  
cation of November 28, inclosing one from the Librarian of Congress,  
who desires to know whether the inhabitants of Hawaii, Cuba, Puerto  
40 Rico, and Manila are entitled to register publications for copyright,  
and if so, whether as foreigners or as citizens or subjects of the United  
States.

In answer, I have the honor to advise you as follows:

It appears that the subjects of Hawaii had not, prior to the passage  
45 of the resolution of annexation of July 7, 1898, become vested by  
proclamation with the privilege of copyright in the United States. I

before held, in an opinion, a copy of which is inclosed here- 1  
 certain laws of the United States relative to tonnage dues  
 from foreign ports still applied to the ports of Hawaii,  
 it been abrogated by the terms or effect of the resolution of  
 1. For the reasons given in that opinion, I think that the 5  
 s of Hawaii are not at present, in the absence of affirmative  
 by Congress to that effect, entitled to the benefits of our  
 laws.

Rico, Cuba, and Manila have not, as yet, been formally  
 he United States. So far as they are subject to the control 10  
 nment of this country, they are ruled under the principle  
 rent right. They have not become entitled to the rights and  
 s of citizens of the United States. In my opinion, when they  
 e been directly ceded by treaty to the United States, and such  
 ly ratified by the Senate, their respective inhabitants will not 15  
 d to the benefit of the copyright laws unless the treaty by  
 confers such right, or Congress shall afterwards extend such  
 he inhabitants of those countries.

inhabitants of Puerto Rico, Cuba, or the Philippine Islands  
 e privilege of copyright as Spanish subjects, that right at 20  
 is subject to the well-known rule that hostilities between two  
 suspend intercourse and deprive citizens of the hostile nations  
 s of an international character previously enjoyed. I am of  
 that so long as a state of war exists between Spain and  
 ed States Spanish subjects have no right to the privileges of 25  
 ht conferred upon Spanish citizens by proclamation prior to the  
 ion of war.

i a treaty of peace shall have been finally concluded their  
 ill be determined either by the provisions of the treaty, or,  
 reaty be silent, it will be competent for the United States, 30  
 its executive officers, to resume the exercise of such rights  
 vileges as previously existed and have not been definitely  
 l terminated. So that if the treaty of peace be silent with  
 e to copyright, it would, in my opinion, be entirely proper for  
 rarian of Congress to admit Spanish subjects after the con- 35  
 and ratification of the treaty to the same copyright privileges  
 y enjoyed prior to the declaration of war.

Very respectfully,

JOHN W. GRIGGS.

RESIDENT.

40

## 1 PHILIPPINE ISLANDS—COPYRIGHT AND TRADE-MARK LAWS.

The Philippine Islands are not "a foreign state or nation" within the meaning of the copyright laws, and the inhabitants of those islands are entitled to avail themselves of the benefits of those laws within the United States. Opinion of  
5 December 2, 1898 (22 Opin., 268), overruled.

The proviso contained in section 4956, Revised Statutes, that the two copies of books, photographs, chromos, or lithographs required to be deposited with the Librarian of Congress shall be printed from type set within the limits of the United States, is not complied with by depositing with that officer copies of publications printed  
10 from type set within the Philippine Islands. Opinion of July 28, 1903 (25 Opin., 25), adhered to.

The Librarian of Congress in determining what fees should be charged under section 4958, Revised Statutes, for the recording, etc., of copyrights, should treat a citizen or resident of the Philippine Islands as "a person not a citizen or resident of the  
15 United States." \* \* \*

DEPARTMENT OF JUSTICE,  
*July 6, 1904.*

SIR: I have the honor to reply to your communication of June 18, wherein you refer to the opinions of this Department dated December  
20 2, 1898 (22 Opin., 268), February 19, 1902 (23 Opin., 634), and July 28, 1903 (25 Opin., 25), and request an expression of my views as to whether citizens of the Philippine Islands are entitled to avail themselves of the provisions of the copyright, trade-mark, and patent laws of the United States so as to secure the protection thereof within  
25 the States of the Union.

## THE COPYRIGHT LAWS.

The statutory law of the United States upon the subject of copyright was materially changed by the act of March 3, 1891 (26 Stat., 1106), which in express terms amends sundry sections of the Revised Statutes  
30 and contains other provisions of a general nature. So much of the law as it now exists, pertinent to the present inquiry and necessary to quote, follows:

SECTION 4952 (as amended). "The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition,  
35 engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing,  
40 reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of dramatic composition, of publicly performing or representing it or causing it to be performed or represented by others; and authors or their assigns shall have the exclusive right to dramatize and translate any of their works for which copy-  
45 right shall have been obtained under the laws of the United States."

956 (as amended). "No person shall be entitled to copy- 1  
he shall \* \* \* deliver at the office of the Librarian  
\* \* \* a printed copy of the title, \* \* \* nor  
shall also \* \* \* deliver at the office of the Librarian  
two copies of such copyright book, map, chart, dramatic, or 5  
position \* \* \*: *Provided*, That in the case of a book,  
, chromo, or lithograph, the two copies of the same required  
red or deposited as above shall be *printed from type set*  
*limits of the United States*, or from plates made therefrom,  
patives, or drawings on stone made within the *limits* of the 10  
*lea*, or from transfers made therefrom \* \* \*."

4958 (as amended). "The Librarian of Congress shall  
n the persons to whom the services designated are rendered  
ng fees:

\* \* \* \* \*

so received shall be paid into the Treasury of the United 15  
*vided*, That the charge for recording the title or description  
cle entered for copyright the production of a person not  
resident of the United States shall be one dollar \* \* \*."

13, act March 3, 1891. "That this act shall only apply to a  
subject of a *foreign state or nation* when such foreign state 20  
permits to citizens of the United States of America the bene-  
right on substantially the same basis as its own citizens; or  
foreign state or nation is a party to an international agree-  
h provides for reciprocity in the granting of copyright, by  
of which agreement the United States of America may, at 25  
re, become a party to such agreement \* \* \*." (26 Stat.,

nifest from the foregoing quotations that the statutes govern-  
ight apply to all persons irrespective of nationality, except  
r subjects "of a foreign state or nation" which does not 30  
our citizens the benefits of its copyright law. Unless, there-  
ens of the Philippine Islands can be properly designated as  
r subjects "of a foreign state or nation" they are entitled to  
nselfes of the privileges of the copyright laws of the United  
d to receive protection thereunder within the States of the 35

! opinion that within the meaning of the copyright laws the  
es are not a foreign state or nation. The opinions of the  
Court, announced since they were acquired by the United  
early establish that upon their cession they ceased to be a 40  
country. (*De Lima v. Bidwell*, 182 U. S., 1; *Gonzales v. Wil-*  
*U. S.*, 1.) It follows that the inhabitants of the islands may  
ntage of our copyright laws and claim protection thereunder  
e States.

1 My predecessor, on December 2, 1898 (22 Opin., 268), before the  
 ratification of the treaty of peace with Spain under which dominion  
 over the Philippines was acquired, replying to a request from the  
 President, advised that the inhabitants of Manila were not then  
 5 entitled to register publications for copyright under the laws of the  
 United States. In the course of his opinion, referring to Porto Rico,  
 Cuba, and Manila, he said that they had not as yet been formally  
 ceded, and, "in my opinion, when they shall have been directly ceded  
 by treaty to the United States, and such treaty duly ratified by the  
 10 Senate, their respective inhabitants will not be entitled to the benefit  
 of the copyright laws unless the treaty by its terms confers such right  
 or Congress shall afterwards extend such laws to the inhabitants of  
 those countries."

If the opinion of my predecessor can be properly construed as deny-  
 15 ing to the inhabitants of the Philippine Islands, after their cession to  
 the United States, the right to take advantage of our copyright laws  
 and to receive the protection thereof *within* the United States, the  
 decisions of the Supreme Court announced since 1898 are in conflict  
 therewith, and in view of the same such denial can no longer be  
 20 accepted as a correct exposition of the law.

The proviso contained in section 4956 of the Revised Statutes, as  
 amended and above quoted, provides that the copies of any book, pho-  
 tograph, chromo, or lithograph required to be delivered or deposited  
 with the Librarian of Congress shall be printed from type set within  
 25 the United States, or from plates made therefrom, or from negatives,  
 or drawings from [*sic* on] stone made within the limits of the United  
 States, or from transfers made therefrom. In the opinion of Mr.  
 Acting Attorney-General Hoyt, dated July 28, 1903 (25 Opin., 25), he  
 construed this proviso and held that books printed from type set within  
 30 the territory of the Philippine Islands did not meet its requirements.  
 I see no objection to that opinion, and accordingly adhere to the same.

The Librarian of Congress, in determining what fees should be  
 charged under section 4958, Revised Statutes, as amended, should treat  
 a citizen or resident of the Philippine Islands as "a person not a citi-  
 35 zen or resident of the United States."

THE TRADE-MARK LAWS.

\* \* \* \* \*

THE PATENT LAWS.

\* \* \* \* \*

Respectfully,

W. H. MOODY.

40 The SECRETARY OF WAR.

In "Official Opinions of the Attorneys-General of the United States." Advance  
 sheets. Vol. 25, 8vo. Washington, Government Printing Office, 1903[-1906],  
 pp. 179-183.

VII.

INTERNATIONAL COPYRIGHT RELATIONS. 1

PROCLAMATIONS ISSUED BY THE PRESIDENT, EXTENDING COPYRIGHT RIGHTS TO CITIZENS OF CERTAIN FOREIGN COUNTRIES: 1891-1905.

FRANCE, GREAT BRITAIN AND HER POSSESSIONS, AND SWITZERLAND. 5

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States relating to copyrights," that said act "shall only apply to a subject of a foreign state or nation when such foreign state permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by which agreement the United States of America may, at any time, become a party to such agreement:"

And whereas it is also provided by said section that "the existence of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the necessities of this act may require:"

And whereas satisfactory official assurances have been given that in France, Great Britain and the British possessions, and Switzerland, permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of those countries: Therefore, I, Benjamin Harrison, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the citizens or subjects of Belgium, France, Great Britain, and Switzerland. 30

And in testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of July, one thousand eight hundred and ninety-one, and of the thirty-first independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

President:

WILLIAM F. WHARTON, 40  
*Acting Secretary of State.*

The Statutes at Large of the United States of America, from December, 1893, Vol. 27, 8vo. Washington, 1893, pp. 981-982.



1

## GERMANY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement";

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require";

And whereas, in virtue of said section 13 of the aforesaid act of Congress, a copyright agreement was signed at Washington, on January 15, 1892, in the English and German languages, by the representatives of the United States of America and the German Empire, a true copy of the English version of which agreement is word for word as follows:

The President of the United States of America, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, being actuated by the desire to extend to their subjects and citizens the full benefit of the legal provisions in force in both countries in regard to copyright, have, to this end, decided to conclude an agreement, and have appointed as their plenipotentiaries:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

His Majesty the German Emperor, King of Prussia, Alfons Mumm von Schwarzenstein, his chargé d'affaires near the Government of the United States of America, who, being duly authorized, have concluded the following agreement, subject to due ratification:

## ARTICLE I.

Citizens of the United States of America shall enjoy, in the German Empire, the protection of copyright as regards works of literature and art, as well as photographs, against illegal reproduction, on the same basis on which such protection is granted to subjects of the Empire.

ARTICLE II. 1

and States Government engages, in return, that the President of the United States shall, in pursuance of section 13 of the act of March 3, 1891, issue the proclamation therein provided for to the extension of the provisions of that act to German territory on as the Secretary of State shall have been officially notified. The present agreement has received the necessary legislative sanction of the German Empire. 5

ARTICLE III.

The present agreement shall be ratified, and the ratifications shall be deposited at Washington as soon as possible. The agreement shall go into operation at the expiration of three months from the date of the exchange of its ratifications, and shall be subject only to works not published at the time when it shall have taken operation. It shall remain in force until the expiration of fifteen months from the day on which notice of a desire for the cessation of the agreement shall have been given by one of the contracting parties. Duplicate, in the English and German languages, at the city of Washington, this 15th day of January, 1892. 10

JAMES G. BLAINE. [SEAL.] 20  
A. V. MUMM. [SEAL.]

Whereas the official notification contemplated by Article II of the present agreement has been received by this Government; Therefore, I, Benjamin Harrison, President of the United States, do declare and proclaim that the first of the conditions of section 13 of the act of March 3, 1891, is now fulfilled in relation to the subjects of the German Empire. In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed. 25

Done at the city of Washington, the fifteenth day of April, 1892, the one thousand eight hundred and ninety-two, and of the Independence of the United States the one hundred and sixteenth. 30

BENJ. HARRISON.

President:  
JAMES G. BLAINE,  
*Secretary of State.* 35

See Statutes at Large of the United States of America, from December, 1893, Vol. 27, 8vo. Washington, 1893, pp. 1021-1022.

ITALY. 40

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title thirty-six, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply 45

1 to a citizen or subject of a foreign state or nation when such foreign  
state or nation permits to citizens of the United States of America the  
benefit of copyright on substantially the same basis as [to] its own citi-  
zens; or when such foreign state or nation is a party to an inter-  
national agreement which provides for reciprocity in the granting of  
5 copyright, by the terms of which agreement the United States of  
America may, at its pleasure, become a party to such agreement:"

And whereas it is also provided by said section that "the existence  
of either of the conditions aforesaid shall be determined by the Presi-  
dent of the United States by proclamation made from time to time as  
10 the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in  
Italy the law permits to citizens of the United States the benefit of  
copyright on substantially the same basis as the subjects of Italy:

Now, therefore, I, Benjamin Harrison, President of the United  
15 States of America, do declare and proclaim that the first of the condi-  
tions specified in section 13 of the act of March 3, 1891, now exists  
and is fulfilled in respect to the subjects of Italy.

In testimony whereof, I have hereunto set my hand and caused the  
seal of the United States to be affixed.

20 Done at the city of Washington this thirty-first day of  
October, one thousand eight hundred and ninety-two, and  
[SEAL.] of the Independence of the United States the one hundred  
and seventeenth.

BENJ. HARRISON.

25 By the President:

JOHN W. FOSTER,  
*Secretary of State.*

In "The Statutes at Large of the United States of America, from December,  
1891, to March, 1893." Vol. 27, 8vo. Washington, 1893, p. 1043.

30

#### DENMARK.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas it is provided by section 13 of the act of Con-  
gress of March 3, 1891, entitled "An act to amend title  
1893, May 8. sixty, chapter three, of the Revised Statutes of the  
35 United States, relating to copyrights," that said act "shall only apply  
to a citizen or subject of a foreign state or nation when such foreign  
state or nation permits to citizens of the United States of America the  
benefit of copyright on substantially the same basis as [to] its own citi-  
40 zens; or when such foreign state or nation is a party to an international  
agreement which provides for reciprocity in the granting of copyright,

l which agreement the United States of America may, 1  
become a party to such agreement:"

it is also provided by said section that "the existence  
conditions aforesaid shall be determined by the Presi-  
United States by proclamation made from time to time as 5  
of this act may require;"

s satisfactory official assurances have been given that in  
law permits to citizens of the United States the benefit of  
substantially the same basis as to the subjects of Denmark:  
fore, I, Grover Cleveland, President of the United States 10  
to declare and proclaim that the first of the conditions  
ction 13 of the act of March 3, 1891, now exists and is  
spect to the subjects of Denmark.

by whereof, I have hereunto set my hand and caused the  
United States to be affixed. 15

Done at the city of Washington, this eighth day of May,  
ne thousand eight hundred and ninety-three, and of the  
dependence of the United States the one hundred and  
venteenth.

GROVER CLEVELAND. 20

esident:

. GRESHAM,  
*Secretary of State.*

Statutes at Large of the United States of America, from August, 1893,  
1895." Vol. 28, 8vo. Washington, 1895, p. 1219. 25

# PORTUGAL.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section 13 of the Act of Con-  
gress of March 3, 1891, entitled "An act to amend title 30  
sixty, chapter three, of the Revised Statutes of the United  
ing to copyrights", that said act "shall only apply to a  
bject of a foreign state or nation when such foreign state  
rmits to citizens of the United States of America the ben-  
ght on substantially the same basis as [to] its own citizens; 35  
h foreign state or nation is a party to an international  
hich provides for reciprocity in the granting of copyright,  
s of which agreement the United States of America may,  
re, become a party to such agreement";  
eas it is also provided by said section that "the existence 40  
the conditions aforesaid shall be determined by the Presi-  
United States by proclamation made from time to time as  
of this act may require";

1 And whereas satisfactory official assurances have been given that in Portugal the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Portugal:

5 Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Portugal.

In testimony whereof, I have hereunto set my hand and caused the 10 seal of the United States to be affixed.

Done at the city of Washington, this twentieth day of July, in the year of Our Lord one thousand eight hundred [SEAL.] and ninety-three, and of the independence of the United States the one hundred and eighteenth.

15

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,  
*Secretary of State.*

20 In "The Statutes at Large of the United States of America, from August, 1893, to March, 1895." Vol. 28, 8vo. Washington, 1895, p. 1222.

## SPAIN.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

25 1895, Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title July 10. sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit 30 of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

35 And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

40 And whereas satisfactory official assurances have been given that in Spain and her provinces and colonial possessions the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Spain:

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions

tion 13 of the act of March 3, 1891, now exists and is 1  
pect to the subjects of Spain.

y whereof, I have hereunto set my hand and caused the  
ited States to be affixed.

Done at the city of Washington, this tenth day of July, 5  
ne thousand eight hundred and ninety-five, and of the  
ndependence of the United States the one hundred and  
wentieth.

GROVER CLEVELAND.

ident:

10

r A. ADEE,

acting Secretary of State.

s Statutes at Large of the United States of America, from December,  
arch, 1897." Vol. 29, 8vo. Washington, 1897, p. 871.

MEXICO.

15

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Con-  
gress of March 3, 1891, entitled "An act to amend title  
sixty, chapter three, of the Revised Statutes of the United 20  
ing to copyrights," that said act "shall only apply to a  
subject of a foreign state or nation when such foreign  
on permits to citizens of the United States of America the  
pyright on substantially the same basis as [to] its own citi-  
en such foreign state or nation is a party to an inter- 25  
reement which provides for reciprocity in the granting of  
y the terms of which agreement the United States of  
y, at its pleasure, become a party to such agreement;"  
eas it is also provided by said section that "the existence  
the conditions aforesaid shall be determined by the Presi- 30  
United States by proclamation made from time to time as  
s of this act may require;"

eas satisfactory official assurances have been given that in  
States of Mexico the law permits to citizens of the United  
nerica the benefit of copyright on substantially the same 35  
e citizens of that Republic:

efore, I, Grover Cleveland, President of the United States  
do declare and proclaim that the first of the conditions  
section 13 of the act of March 3, 1891, now exists and is  
espect to the citizens of the United States of Mexico. 40  
ony whereof, I have hereunto set my hand and caused the  
United States to be affixed.

1 Done at the city of Washington this twenty-seventh day  
 [SEAL.] of February, one thousand eight hundred and ninety-six,  
 and of the independence of the United States the one hundred and twentieth.

GROVER CLEVELAND.

5 By the President:

RICHARD OLNEY,  
*Secretary of State.*

In "The Statutes at Large of the United States of America, from December, 1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, p. 877.

10

# CHILE.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title  
 1896, May 25. sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;"

And whereas satisfactory official assurances have been given that in the Republic of Chile the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to the citizens of that Republic:

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the citizens of the Republic of Chile.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

40 [SEAL.] Done at the city of Washington this twenty-fifth day of May, one thousand eight hundred and ninety-six, and of the independence of the United States the one hundred and twentieth.

GROVER CLEVELAND.

By the President:

RICHARD OLNEY,  
*Secretary of State.*

45 In "The Statutes at Large of the United States of America, from December, 1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, p. 880.

## COSTA RICA.

1

THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title xty, chapter three, of the Revised Statutes of the United States relating to copyrights," that said act "shall only apply to a subject of a foreign state or nation when such foreign state grants to citizens of the United States of America the same right on substantially the same basis as [to] its own citizens in such foreign state or nation is a party to an international treaty which provides for reciprocity in the granting of copyright, and of which agreement the United States of America may, hereafter, become a party to such agreement;" and whereas it is also provided by said section that "the existence of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the circumstances of this act may require;" and whereas satisfactory official assurances have been given that the Republic of Costa Rica the law permits to citizens of the United States the benefit of copyright on substantially the same basis as the citizens of that Republic: Therefore, I, William McKinley, President of the United States, do declare and proclaim that the first of the conditions in section 13 of the act of March 3, 1891, now exists and is in respect to the citizens of the Republic of Costa Rica. In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this nineteenth day of October, one thousand eight hundred and ninety-nine, and 30th of the independence of the United States the one hundred and twenty-fourth.

WILLIAM MCKINLEY.

President:

JOHN HAY,

*Secretary of State.*

35

"The Statutes at Large of the United States of America, from December, 1800, to March, 1901." Vol. 31, 8vo. Washington, 1901, pp. 1955-1956.



1

## NETHERLANDS (HOLLAND) AND POSSESSIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section 13 of the act of  
 1899, Congress of March 3, 1891, entitled "An act to amend  
 5 November 20. title sixty, chapter three, of the Revised Statutes of the  
 United States, relating to copyrights," that said act "shall only apply  
 to a citizen or subject of a foreign state or nation when such foreign  
 state or nation permits to citizens of the United States of America the  
 10 benefit of copyright on substantially the same basis as [to] its own citi-  
 zens; or when such foreign state or nation is a party to an international  
 agreement which provides for reciprocity in the granting of copyright,  
 by the terms of which agreement the United States of America may,  
 at its pleasure, become a party to such agreement;" and  
 15 Whereas, it is also provided by said section that "the existence of  
 either of the conditions aforesaid shall be determined by the President  
 of the United States by proclamation made from time to time, as the  
 purposes of this act may require;" and

Whereas satisfactory official assurances have been given that in the  
 20 Kingdom of the Netherlands and in the Netherlands' possessions the  
 law permits to citizens of the United States of America the benefit of  
 copyright on substantially the same basis as to subjects of the Nether-  
 lands:

Now, therefore, I, William McKinley, President of the United States  
 25 of America, do declare and proclaim that the first of the conditions  
 specified in section 13 of the act of March 3, 1891, now exists and is  
 fulfilled in respect to the subjects of the Netherlands.

In testimony whereof I have hereunto set my hand and caused the  
 seal of the United States to be affixed.

30 Done at the city of Washington, this twentieth day of  
 November, one thousand eight hundred and ninety-nine,  
 [SEAL.] and of the independence of the United States the one hun-  
 dred and twenty-fourth.

WILLIAM MCKINLEY.

35 By the President:

JOHN HAY,  
*Secretary of State.*

In "The Statutes at Large of the United States of America, from December,  
 1899, to March, 1901." Vol. 31, 8vo. Washington, 1901, p. 1961.

## CUBA.

1

THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION

Whereas, it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title 5  
ixty, chapter three, of the Revised Statutes of the United  
ag to copyrights," that said act "shall only apply to a  
object of a foreign state or nation when such foreign state  
mits to citizens of the United States of America the benefit  
on substantially the same basis as [to] its own citizens; or 10  
oreign state or nation is a party to an international agree-  
provides for reciprocity in the granting of copyright, by  
which agreement the United States of America may, at  
become a party to such agreement;"

reas it is also provided by said section that "the existence 15  
the conditions aforesaid shall be determined by the Presi-  
United States by proclamation made from time to time as  
s of this act may require;"

reas satisfactory official assurances have been given that  
law permits to citizens of the United States the benefit of 20  
on substantially the same basis as to the citizens of Cuba:  
erefore, I, Theodore Roosevelt, President of the United  
America, do declare and proclaim that the first of the condi-  
fied in section 13 of the act of March 3, 1891, now exists and  
in respect to the citizens of Cuba. 25

nonny whereof, I have hereunto set my hand and caused the  
United States to be affixed.

Done at the City of Washington this 17th day of Novem-  
ber, one thousand nine hundred and three and of the  
independence of the United States the one hundred and 30  
twenty-eighth.

THEODORE ROOSEVELT.

President:

JOHN HAY,

*Secretary of State.*

35

The Statutes at Large of the United States of America, from November,  
o March, 1905." Vol. 33, part 2, 8vo. Washington, 1905, p. 2324.

1

## NORWAY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas, it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

And whereas, it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in Norway the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of that country:

Now, therefore, I, Theodore Roosevelt, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the subjects of Norway.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of July, in the year of our Lord one thousand nine hundred and five and of the Independence of the United States of America the one hundred and twenty-ninth.

By the President:

THEODORE ROOSEVELT.

HERBERT H. D. PEIRCE,

*Acting Secretary of State.*

(b) TREATIES WITH CERTAIN FOREIGN COUNTRIES RELATING TO  
COPYRIGHT, 1899-1906.

## SPAIN.

The war with Spain suspended the privilege of copyright in the United States for the productions of Spanish subjects. Concerning the renewal of the privilege, the Attorney General expressed the following opinion, under date of December 2, 1898: "When a treaty of

re been finally concluded, their rights will be determined 1  
provisions of the treaty or, if the treaty be silent, it will  
for the United States, through its executive officers, to  
ercise of such rights and privileges as previously existed  
een definitely declared terminated. So that if the treaty 5  
h reference to copyright, it would, in my opinion, be  
or for the Librarian of Congress to admit Spanish sub-  
pe conclusion and ratification of the treaty, to to the same  
ileges that they enjoyed prior to the declaration of war."

TREATY OF PEACE WITH SPAIN, APRIL 11, 1899.

10

*Done at Madrid, December 10, 1898. Ratification advised by the Senate, February 6,  
1899, and by the President, February 6, 1899. Ratified by Her Majesty the Queen  
of Spain, March 19, 1899. Ratifications exchanged at Washington, April 11,  
1899.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

15

A PROCLAMATION.

A Treaty of Peace between the United States of America  
Her Majesty the Queen Regent of Spain, in the name of her  
Don Alfonso XIII, was concluded and signed by their  
plenipotentiaries at Paris on the tenth day of December, 20  
original of which Convention being in the English and Span-  
ish, is word for word as follows:

Now the names of the respective plenipotentiaries.]  
being assembled in Paris, and having exchanged their full  
powers, were found to be in due and proper form, have, after 25  
of the matters before them, agreed upon the following

\* \* \* \* \*

ARTICLE XIII.

of property secured by copyrights and patents acquired  
in the Island of Cuba, and in Porto Rico, the Philippines 30  
ceded territories, at the time of the exchange of the ratifica-  
tion of the treaty, shall continue to be respected. Spanish scientific,  
artistic works, not subversive of public order in the terri-  
tory, shall continue to be admitted free of duty into such  
or the period of ten years, to be reckoned from the date 35  
of the ratifications of this treaty.

\* \* \* \* \*

hereof, we, the respective Plenipotentiaries, have signed  
and have hereunto affixed our seals.

1 Done in duplicate at Paris, the tenth day of December, in the year  
of Our Lord one thousand eight hundred and ninety eight.

	[SEAL] WILLIAM R. DAY	[SEAL] EUGENIO MONTERO RÍOS
	[SEAL] CUSHMAN K. DAVIS	[SEAL] B. DE ABARZUZA
5	[SEAL] WM. P. FRYE	[SEAL] J. DE GARNICA
	[SEAL] GEO. GRAY	[SEAL] W R DE VILLA URRUTIA
	[SEAL] WHITELOW REID	[SEAL] RAFAEL CERERO

And whereas, the said Convention has been duly ratified on both  
parts, and the ratifications of the two Governments were exchanged  
10 in the City of Washington, on the eleventh day of April, one thousand  
eight hundred and ninety-nine;

Now, therefore, be it known that I, William McKinley, President  
of the United States of America, have caused the said Convention to  
be made public, to the end that the same and every article and clause  
15 thereof may be observed and fulfilled with good faith by the United  
States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal  
of the United States to be affixed.

Done at the City of Washington, this eleventh day of April, in the  
20 year of Our Lord one thousand eight hundred and ninety-nine, and of  
the Independence of the United States the one hundred and twenty-  
third.

[SEAL.]

WILLIAM MCKINLEY

By the President:

25 JOHN HAY,  
*Secretary of State.*

In "The Statutes at Large of the United States of America, from March, 1897,  
to March, 1899." Vol. 30, 8vo. Washington, 1899, pp. 1754, 1760-1761, 1762.

#### CHINA.

30 TREATY BETWEEN THE UNITED STATES AND CHINA FOR THE EXTEN-  
SION OF COMMERCIAL RELATIONS BETWEEN THEM, JANUARY 13,  
1904.

[Signed at Shanghai, October 8, 1903. Ratification advised by the Senate, December 18'  
1903. Ratified by the President, January 12, 1904. Ratified by China, January 10,  
35 1904. Ratifications exchanged at Washington, January 13, 1904. Proclaimed, January  
13, 1904.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas a Treaty and three Annexes between the United States of  
40 America and China to extend further the commercial relations between  
them and otherwise to promote the interests of the peoples of the two  
countries, were concluded and signed at Shanghai in the English and  
Chinese languages, on the eighth day of October, one thousand nine

three, the original of the English text of which Treaty 1  
is word for word as follows:

The States of America and His Majesty the Emperor of  
animated by an earnest desire to extend further the com-  
munications between them and otherwise to promote the interests 5  
of the two countries, in view of the provisions of the  
Treaty of Commerce and Consular Rights of Article XI of the final Protocol signed at Peking on  
the 26th day of September, A. D. 1901, whereby the Chinese  
Government agreed to negotiate the amendments deemed necessary  
to the treaties of commerce and navi- 10  
gation and other subjects concerning commercial relations, with the  
view of facilitating them, have for that purpose named as their  
plenipotentiaries:—

Now the names of the respective plenipotentiaries.]  
They have met and duly exchanged their full powers which were 15  
in proper form, have agreed upon the following amend-  
ing treaties of commerce and navigation formerly con-  
cerning the two countries, and upon the subjects hereinafter  
connected with commercial relations, with the object of  
improving them. 20

\* \* \* \* \*

#### RELATING TO TRADE-MARKS, PATENTS, AND COPYRIGHT.

##### ARTICLE IX.—TRADE-MARKS.

The United States undertakes to protect the citizens of any  
country the exclusive use within the United States of any lawful  
trade-mark, provided that such country agrees by treaty or convention 25  
to afford protection to the citizens of the United States:—

The Government of China, in order to secure such pro-  
tection for the United States for its subjects, now agrees to fully protect  
the firm or corporation of the United States in the exclusive  
Empire of China of any lawful trade-mark to the exclusive 30  
use in the United States they are entitled, or which they  
have used, or intend to adopt and use as soon as registered,  
or use within the Empire of China. To this end the Chinese  
Government agrees to issue by its proper authorities proclamations,  
of force of law, forbidding all subjects of China from infring- 35  
ing, colorably imitating, or knowingly passing off an  
unlawful trade-marks belonging to citizens of the United States,  
which have been registered by the proper authorities of the  
United States at such offices as the Chinese Government will establish 40  
for the purpose, on payment of a reasonable fee, after due investiga-  
tion by Chinese authorities, and in compliance with reasonable

##### ARTICLE X.—PATENTS.

The United States Government allows subjects of China to patent  
inventions in the United States and protects them in the use and 45

1 ownership of such patents. The Government of China now agrees that  
it will establish a Patent Office. After this office has been established  
and special laws with regard to inventions have been adopted it will  
thereupon, after the payment of the prescribed fees, issue certificates  
5 of protection, valid for a fixed term of years, to citizens of the United  
States on all their patents issued by the United States, in respect of  
articles the sale of which is lawful in China, which do not infringe on  
previous inventions of Chinese subjects, in the same manner as patents  
are to be issued to subjects of China.

10 ARTICLE XI.—COPYRIGHT.

Whereas the Government of the United States undertakes to give  
the benefits of its copyright laws to the citizens of any foreign State  
which gives to the citizens of the United States the benefits of copy-  
right on an equal basis with its own citizens:—

15 Therefore the Government of China, in order to secure such benefits  
in the United States for its subjects, now agrees to give full protection,  
in the same way and manner and subject to the same conditions upon  
which it agrees to protect trade-marks, to all citizens of the United  
States who are authors, designers or proprietors of any book, map,  
20 print or engraving especially prepared for the use and education of  
the Chinese people, or translation into Chinese of any book, in the  
exclusive right to print and sell such book, map, print, engraving or  
translation in the Empire of China during ten years from the date of  
registration. With the exception of the books, maps, etc., specified  
25 above, which may not be reprinted in the same form, no work shall be  
entitled to copyright privileges under this article. It is understood  
that Chinese subjects shall be at liberty to make, print and sell original  
translations into Chinese of any works written or of maps compiled  
by a citizen of the United States. This article shall not be held to  
30 protect against due process of law any citizen of the United States or  
Chinese subject who may be author, proprietor or seller of any publi-  
cation calculated to injure the well-being of China.

\* \* \* \* \*

In testimony whereof, we, the undersigned, by virtue of our respect-  
ive powers, have signed this Treaty in duplicate in the English and  
35 Chinese languages, and have affixed our respective seals.

Done at Shanghai, this eighth day of October in the year of our  
Lord one thousand nine hundred and three, and in the twenty-ninth  
year of Kuang Hsü eighth month and eighteenth day.

40	[SEAL] [SEAL] [SEAL]	EDWIN H. CONGER, JOHN GOODNOW, JOHN F. SEAMAN.
----	----------------------------	--

Signatures and seal of Chinese Plenipotentiaries:

[LÜ HAI-HUAN]  
[SHENG HSÜAN-HUAI]

\* \* \* \* \*

45 And whereas the said Treaty and Annexes have been duly ratified  
on both parts, and the ratifications of the two governments were

the City of Washington, on the thirteenth day of January and nine hundred and four; fore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Treaty and have made public, to the end that the same and every article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof. By my hand and the seal of the United States, in witness whereof, I have hereunto set my hand and caused the United States to be affixed.

Done at the City of Washington, this thirteenth day of 10 January in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT.

Resident:

15

W. R. HAY,

Secretary of State.

See Statutes at Large of the United States of America, from November, 1875, to March, 1905." Vol. 33, part 2, 8vo. Washington, 1905, pp. 2208, 2213-14, 2217.

20

# JAPAN.

## CONVENTION BETWEEN THE UNITED STATES AND JAPAN, MAY 10, 1906.

*On November 10, 1905. Ratification advised by the Senate February 28, 1906. Ratified by the President March 7, 1906. Ratified by Japan April 28, 1906. Exchanged at Tokio May 10, 1906. Proclaimed May 17, 1906.]*

25

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

A Convention between the United States of America and Japan, providing for legal protection in both countries of copyright, was concluded and signed by their respective representatives at Tokio on the tenth day of November, one thousand nine hundred and five, the original of which Convention being in the English and Japanese languages is word for word as follows:

That the President of the United States of America and his Majesty the Emperor of Japan being equally desirous to extend to their subjects the benefit of legal protection in both countries in respect of copyright, have, to this end, decided to conclude a Convention and have appointed as their respective Plenipotentiaries: The President of the United States of America, Lloyd C. Griscom, Minister Extraordinary and Minister Plenipotentiary of the United States of America to Japan; and His Majesty the Emperor of Japan, General Count Taro Katsura, Grand Chamberlain of the Imperial Order of the Rising Sun, Third



1 Class of the Imperial Order of the Golden Kite, His Imperial Majesty's  
Minister of State for Foreign Affairs;

Who, having reciprocally communicated their full powers, found in  
good and due form, have agreed as follows

5

## ARTICLE I.

The subjects or citizens of each of the two High Contracting Parties  
shall enjoy in the dominions of the other, the protection of copyright  
for their works of literature and art as well as photographs, against  
illegal reproduction, on the same basis on which protection is granted  
10 to the subjects or citizens of the other, subject however to the pro-  
visions of Article II of the present Convention.

## ARTICLE II.

The subjects or citizens of each of the two High Contracting Parties  
may without authorization translate books, pamphlets or any other  
15 writings, dramatic works, and musical compositions, published in the  
dominions of the other by the subjects or citizens of the latter, and  
print and publish such translations.

## ARTICLE III.

The present Convention shall be ratified, and the ratifications thereof  
20 shall be exchanged at Tokio as soon as possible. It shall come into  
operation from the date of the exchange of ratifications, and shall be  
applicable to such works only as shall be published after it shall have  
come into operation. Either of the Contracting Parties shall have  
the right, at any time, to give notice to the other of its intention to  
25 terminate the present Convention, and at the expiration of three  
months after such notice is given this Convention shall wholly cease  
and determine.

In witness whereof the above mentioned Plenipotentiaries have  
signed the present Convention and have affixed thereto their seals.

30 Done in duplicate at Tokio, in the English and Japanese languages,  
this 10th day of November, of year one thousand nine hundred and  
five, corresponding to the 10th day of the 11th month of the 38th year  
of Meiji.

35 [SEAL.]  
[SEAL.]

LLOYD C. GRISCOM.  
TARO KATSURA.

And whereas the said Convention has been duly ratified on both  
parts, and the ratifications of the two governments were exchanged in  
the City of Tokio on the tenth day of May, one thousand nine hundred  
and six;

40 Now, therefore, be it known that I, Theodore Roosevelt, President  
of the United States of America, have caused the said Convention to  
be made public, to the end that the same and every article and clause  
thereof may be observed and fulfilled with good faith by the United  
States and the citizens thereof.

whereof, I have hereunto set my hand and caused the United States to be affixed.

Done at the City of Washington this seventeenth day

May, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirtieth.

THEODORE ROOSEVELT.

Ident:

U ROOT

Secretary of State.

10

## VIII.

### APPENDIX.

#### LAWS TO PROTECT DRAMATIC AND MUSICAL WORKS.

(Arranged in order of date.)

##### NEW HAMPSHIRE.

15

##### LAWS, 1895, CHAPTER 42.

Protect \* \* \* the owners of literary, dramatic, and musical compositions and works of art in their property.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

20

SECTION 1. \* \* \* And whenever any person, firm, or corporation is the owner of any literary, dramatic, or position and the rights of the author pertaining thereto, nposition has not been copyrighted, printed, or published, p, charter [*sic*], engraving, cut, print, photograph or nega- 25 , statue, statuary, model, or design, which has not been or offered for sale, it shall be unlawful for any other persocation, or corporation to publish, produce, print, or sell sell the same without first obtaining the consent of the of.

30

\* \* \* \* \*

. Any violations of any of the provisions of this act shall by imprisonment in the county jail for a term of not less nonths nor more than one year, or by a fine of not less adred dollars nor more than two hundred dollars, or both.

\* \* \* \* \*

1 March 13, 1895.]

35

As of the State of New Hampshire, passed January Session, 1895. 8vo. Ed. N. Pearson, 1895, pp. 384, 385.

1

## NEW YORK.

LAWS, 1899, CHAPTER 475.

AN ACT to amend the penal code of the State of New York in relation to copyrights.

5                   1899,           *The People of the State of New York, represented in*  
September 1.   *Senate and Assembly, do enact as follows:*

SECTION 1. The penal code of the State of New York is hereby amended by adding thereto a new section to be known as section seven hundred and twenty-nine, and to read as follows:

10 SEC. 729. Any person who causes to be publicly performed or represented for profit any unpublished undedicated or copyrighted dramatic composition, or musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished undedicated or  
15 copyrighted and without the consent of its owner, or proprietor, permits, aids or takes part in such a performance or representation shall be guilty of a misdemeanor.

SEC. 2. This act shall take effect September first, eighteen hundred and ninety-nine.

20 [Became a law May 2, 1899, with the approval of the Governor. Passed, three-fifths being present.]

In "Laws of the State of New York passed at the one hundred and twenty-second session of the Legislature, begun January 4th, 1899, and ended April 28th, 1899, in the City of Albany." 1899, Vol. II, 8vo. Albany, Banks & Co.,  
25 1899, p. 1001.

In "The Penal Code of the State of New York being Chapter 676 of the Laws of 1881, as amended by the Laws of 1882-1905, inclusive. Edited by Amasa J. Parker, Jr." 12mo. New York, The Banks Law Pub. Co., 1905, p. 290.

## LOUISIANA.

30

LAWS, 1900, ACT NO. 75.

AN ACT forbidding any person or Company from producing any unpublished or undedicated dramatic or musical composition, and providing for the punishment of violations of the provisions of this Act.

35                   1900,           *Be it enacted by the General Assembly of the State of*  
July 9.           *Louisiana, That any person or company who takes part*  
in or causes to be publicly performed or represented for profit any unpublished or undedicated dramatic or musical composition known as an opera without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished or undedicated and without the consent of the owner or proprietor, permits, aids, or takes part in such a performance or representation, shall be guilty of a misdemeanor, and shall be punished by  
40 a fine of not less than One Hundred, nor more than Five Hundred

very such performance, or imprisonment for not less 1  
's.

th July, 1900.

passed by the General Assembly of the State of Louisiana at the  
on, begun and held in the City of Baton Rouge, on the fourteenth 5  
1900." 8vo. Baton Rouge, The Advocate, Official Journal of the  
siana, 1900, pp. 128-127.

stitution and Revised Laws of Louisiana. Second, enlarged and  
on in two volumes. Compiled and annotated by Solomon Wolff."

New Orleans, La., F. F. Hansell & Bro., [1904], p. 358. 10

#### OREGON.

[HOUSE BILL NO. 144.]

ag to the public representation of dramatic plays and musical com-  
to provide for the punishment of the unauthorized performance or  
a thereof. 15

*Be it enacted by the Legislative Assembly of the State of  
Oregon:*

Any person who knowingly causes to be publicly per-  
represented for profit, any unpublished or undedicated  
aposition, or musical composition known as an opera, with- 20  
ent of its owner or proprietor, or who, knowing that such  
musical composition is unpublished or undedicated, and  
consent of its owner or proprietor, permits, aids, or takes  
a performance or representation, shall be guilty of a  
r, and shall be punished by a fine not exceeding one hun- 25  
(\$100), or by imprisonment in the county jail not more  
ths, or by both such fine and imprisonment. Each per-  
representation so given shall be deemed a substantive

February 27, 1901.

30

General Laws and Joint Resolutions and Memorials [of the State of  
acted and adopted by The Twenty-First Regular Session of the Leg-  
sembly, 1901." 8vo. Salem, Oregon, W. H. Leeds, 1901, p. 172.

#### PENNSYLVANIA.

LAWS, 1901, NO. 209.

35

ibiting the public presentation for profit of unpublished dramatic  
sical compositions, without consent of the authors thereof, and pro-  
hment for violation of the provisions of this act.

SECTION 1. *Be it enacted, etc.,* That no unpublished  
dramatic play and no unpublished musical composition 40  
shall be publicly presented for profit, without consent of  
r authors thereof.

1 SECTION 2. Any and all persons, firms and corporations violating the provisions of section one of this act shall be guilty of a misdemeanor, and on conviction thereof shall, for each offense, be sentenced to pay a fine of not less than ten dollars and not more than five hundred dollars, 5 or to be imprisoned not exceeding three months, or either or both, at the discretion of the court of quarter sessions.

Approved the 29th day of May, A. D., 1901.

In "Laws of the General Assembly of the Commonwealth of Pennsylvania, passed at the Session of 1901." 8vo. [Harrisburg], W. S. Ray, 1901, p. 335.

10

## OHIO.

[SENATE BILL NO. 20]

AN ACT fixing a penalty for the unauthorized presentation of dramatic plays and musical compositions.

1902, *Be it enacted by the General Assembly of the State of*  
15 March 25. *Ohio:*

SECTION 1. That any person who causes to be publicly performed or represented for profit any unpublished or undedicated dramatic composition or musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such 20 dramatic or musical composition is unpublished or undedicated and without the consent of its owner or proprietor permits, aids or takes part in such a performance or representation, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars and not more than three hundred dollars, or be impris- 25 oned not less than thirty days or more than three months, or both.

SECTION 2. This act shall take effect and be in force from and after its passage.

Passed March 25, 1902.

In "General and Local Acts passed and Joint Resolutions adopted by the 30 Seventy-Fifth General Assembly [of the State of Ohio], \* \* \* begun and held in the City of Columbus, January 6, 1902." Vol. 95, 8vo. Columbus, Ohio, F. J. Heer, 1902, p. 68.

## NEW JERSEY.

LAWS, 1902, CHAPTER 249.

35 AN ACT to protect property in manuscript and uncopyrighted plays.

1902, *Be it enacted by the Senate and General Assembly of the*  
April 10. *State of New Jersey:*

1. Any person who causes to be publicly performed or represented for profit any unpublished, undedicated or copyrighted dramatic 40 composition, or musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished, undedicated, or copy-

without the consent of its owner or proprietor permits, 1  
part in such a performance or representation, shall be  
isdemeanor.

shall take effect immediately.

April 10, 1902.

5

of the One Hundred and Twenty-Sixth Legislature of the State of  
[1902]." 8vo. Trenton, N. J., The J. L. Murphy Publishing Co.,

1.

#### MASSACHUSETTS.

LAWS, 1904, CHAPTER 183.

10

hibit unauthorized performances or representations of certain dra-  
matic and musical compositions.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows:*

15

causes to be publicly performed or represented an unpub-  
undicated dramatic or musical composition without the  
the proprietor thereof, and with knowledge or notice that  
tic or musical composition is unpublished and undedicated,  
, being in control of a theatre or other public place of 20  
, licensed or unlicensed, without such consent and with such  
or notice permits a public performance or representation  
amatic or musical composition in such theatre or place of  
, or whoever without such consent and with such knowledge  
akes part in a public performance or representation of such 25  
r musical composition, shall be guilty of a misdemeanor,  
e punished by a fine not exceeding one hundred dollars or  
nment for not more than six months, or by both such fine  
onment.

ed March 29, 1904.

30

cts and Resolves passed by the General Court of Massachusetts in the  
4." 8vo. Boston, Wright & Potter Printing Co., 1904, p. 159.

#### MINNESOTA.

LAWS, 1905, CHAPTER 40.

idding any person or company from producing or playing for profit 35  
lished or undedicated dramatic or musical composition and prohibit-  
erson, company or corporation from selling a copy or substantial copy  
published, undedicated or copyrighted opera or musical composition  
ie consent of the author or proprietor, and providing for a penalty

40

*Be it enacted by the Legislature of the State of Minne-  
sota:*

SECTION 1. Any person, company or corporation who  
causes to be publicly performed, or represented for profit,  
lished or undedicated dramatic composition, or musical 45

- 1 composition known as an opera, without the consent of its owner or  
 proprietor, who knowing that such dramatic or musical composition  
 is unpublished or undedicated, and without the consent of its owner or  
 proprietor, permits, aids or takes part in such a performance or repre-  
 5 sentation, or any person, company or corporation who sells a copy or  
 a substantial copy, or any unpublished, undedicated or copyrighted  
 dramatic composition or musical composition known as an opera, with-  
 out the written consent of the author or proprietor of such dramatic or  
 musical composition, shall be guilty of a misdemeanor.
- 10 SECTION 2. This act shall take effect and be in force from and after  
 its passage.

Approved March 15, 1905.

- In "General Laws of the State of Minnesota passed during the thirty-fourth  
 Session of the State Legislature commencing January 3d, 1905." 8°. Minne-  
 15 apolis, Harrison & Smith Co., 1905, p. 60.

#### CALIFORNIA.

##### LAWS, 1905, CHAPTER 276.

- AN ACT to add a new section to the Penal Code to be numbered 367a, prohibiting  
 unauthorized performances and representations of certain dramatic or musical  
 20 compositions.

*The People of the State of California, represented in*  
 1905, *Senate and Assembly, do enact as follows:*  
 March 18.

- SECTION 1. There is hereby added to the Penal Code a  
 new section to be numbered 367a to read as follows:
- 25 367a. Any person who causes to be publicly performed or repre-  
 sented for profit any unpublished or undedicated dramatic composition  
 or dramatic-musical composition known as an opera, without the con-  
 sent of its owner or proprietor, or who, knowing that such dramatic  
 or musical composition is unpublished or undedicated, and without the  
 30 consent of its owner or proprietor, permits, aids or takes part in such  
 a performance or representation, or who sells a copy or a substantial  
 copy of any unpublished, undedicated or copyrighted dramatic com-  
 position or musical or dramatic-musical composition, known as an  
 opera, without the consent of the author or proprietor of such dra-  
 35 matical or dramatic-musical composition shall be guilty of a misde-  
 meanor, and upon conviction thereof, shall be fined not less fifty (50)  
 dollars, and not more than three hundred (300) dollars, or be impris-  
 oned for not less than thirty (30) days or more than three (3) months  
 or both such fine and imprisonment.

- 40 Approved March 18, 1905.

In "The Statutes of California and amendments to the Codes passed at the  
 Thirty-sixth Session of the California Legislature, 1905." 8vo. Sacramento, W.  
 W. Shannon, 1905, p. 248.

- In "1905 Supplement to the Codes of California \* \* \* by James H.  
 45 Deering." 24mo. San Francisco, Bancroft-Whitney Co., 1905, p. 292-293.

WISCONSIN.

1

LAWS, 1905, CHAPTER 281.

at the unauthorized presentation of dramatic plays and musical compositions.

*The People of the State of Wisconsin, represented in  
Senate and Assembly, do enact as follows:* 5

Any person who sells a copy or a substantial copy, or  
be publicly performed or represented for profit, any  
undedicated dramatic play or musical composition,  
opera, without the written consent of its owner or prop-  
rietor, knowing that such dramatic play or musical composi-  
tion is undedicated, and, without the written consent  
of the proprietor, permits, aids, or takes part in such a per-  
formance, shall be guilty of a misdemeanor, and  
thereof shall be fined not less than five dollars nor  
more than one hundred dollars, or by imprisonment not exceeding 15

This act shall take effect and be in force from and after  
its publication.  
June 1, 1905.

LAWS of Wisconsin, joint Resolutions and Memorials passed at the 20  
session of the Legislature, 1905." 8vo. Madison, Wis., Democrat Print-  
ing Co., p. 422.

CONNECTICUT.

LAWS, 1905, CHAPTER 130.

regarding unauthorized performances of certain dramatic and musical 25  
compositions.

*Be it enacted by the Senate and House of Representatives  
in General Assembly convened:*

Any person who causes to be publicly performed or  
for profit any unpublished, undedicated, or copyrighted 30  
composition, or any musical composition known as opera,  
without the consent of its owner or proprietor, or who, knowing that  
such dramatic play or musical composition is unpublished, undedicated, or  
and without the consent of its owner or proprietor, per-  
forms or takes part in such performance or representation, shall be  
fined not more than one hundred dollars, or imprisoned not more  
than six months, or both.

Nothing in this act shall affect amateur performances or  
performances given for purely charitable purposes.

June 7, 1905. 40

Public Acts passed by the General Assembly of the State of Connecticut  
in 1905." 8vo. [Hartford,] Hartford Press, The Case, Lockwood &  
Co., 1905, p. 338.



1

## MICHIGAN.

LAWS, 1905, NO. 268.

AN ACT prohibiting public presentation for profit of unpublished or undedicated dramatic plays and musical compositions, without the consent of the owner or proprietor thereof, and providing punishment for violation of the provisions of this act.

*The People of the State of Michigan enact:*

1905,  
June 16.

SECTION 1. No unpublished, uncopyrighted or undedicated dramatic play and no unpublished or undedicated musical composition shall be publicly performed or represented for profit, without consent of the owner or proprietor thereof.

SECTION 2. Any and all persons, firms and corporations that shall cause to be publicly performed or represented for profit any unpublished, uncopyrighted or undedicated dramatic composition, or unpublished or undedicated musical composition, without the consent of the owner or proprietor or who, knowing that such dramatic or musical composition is unpublished or undedicated, and without the consent of its owner or proprietor, permits, aids or takes part in such a performance or representation, shall be guilty of a misdemeanor and, on conviction thereof, shall for each offense be sentenced to pay a fine of not less than ten dollars, and not more than five hundred dollars, or be imprisoned not exceeding three months, or either, or both, at the discretion of the court.

Approved June 16, 1905.

25 In "Public Acts of the Legislature of the State of Michigan passed at the Regular Session of 1905." 8vo. Lansing, Michigan, Wynkoop Hallenbeck Crawford Co., 1905, p. 415.

## IX.

1

### NOTES.

page 11).

CONNECTICUT LAWS, OCTOBER SESSION, 1812, CHAPTER IX.

and an act entitled "An act for the encouragement of literature and  
genius." 5

the governor and council and house of representatives in general court  
the act entitled "An act for the encouragement of literature and  
the same is hereby, repealed.

bly, October session, 1812.

10

Public Statute Laws of the State of Connecticut. Book II. Com-  
mon Session, 1808. Published by Authority of the General Assem-  
Hartford, Hudson & Co., [1819], p. 104

page 14.)

MASSACHUSETTS BAY COLONY. 1672, MAY 15.

15

of the Company of the Massachusetts Bay in New England.]

Court for Elections, held at Boston, 15th day of May, 1672.

\* \* \* \* \*

petition of John Vsher, the Court judgeth it meete to order, & be it  
dered & enacted, that no printer shall print any more coppies then 20  
d for by the ouner of the sajd coppie or coppies, nor shall he nor any  
r make sale of any of the same, w<sup>th</sup>out the sajd owners consent,  
are and pœnalty of treble the whole charges of printing, & paper,  
e quantity payd for by the ouner of the coppie, to the sajd ouner or

25

s of the Governor and Company of the Massachusetts Bay in New  
Printed by order of the Legislature. Edited by Nathaniel B.  
" Vol. 4, part 2. 1661-1674. 4°. Boston, W: White, 1854, pp. 506,

page 52.)

30

FRANKING PRIVILEGE FOR COPYRIGHT DEPOSITS.

utations of the franking privilege see the appropriation act of March  
231, which provided:

Provided, That all laws and parts of laws permitting the transmis-  
any free matter whatever be, and the same are hereby, repealed 35  
June thirtieth, eighteen hundred and seventy-three. (17 Stat. L.,

NOTE 3—*Continued.*

- 1 See also the act of March 3, 1877, chapter 103, sections 5 and 6 (19 Stat. L., pp. 335-336); and the act of March 3, 1897, chapter 180, section 29 (20 Stat. L., p. 362).

NOTE 4. (*See page 60.*)

5

#### TYPESETTING IN THE PHILIPPINE ISLANDS.

##### COPYRIGHT LAW—PHILIPPINE ISLANDS.

- The provisions of the copyright act of March 3, 1891 (26 Stat., 1107), which requires that the two copies of books, photographs, chromos, or lithographs required to be deposited with the Librarian of Congress shall be printed from type set within the limits of the United States, are not complied with by depositing with that officer copies of publications printed from type set within the Philippine Islands. Congress has not extended the copyright laws to the Philippines, but has enacted, in setting up a separate government for these islands, that section 1891 of the Revised Statutes, extending the Constitution and applicable laws to organized Territories, is not to be in force in the Philippines.

#### DEPARTMENT OF JUSTICE,

*Washington, D. C., July 28, 1905.*

SIR: I have the honor to acknowledge your reference, with a request for an opinion, of a letter, dated the 14th instant, from the Librarian of Congress, in which he says:

- 20 The Revised Statutes relating to copyright (section 4956) require in regard to a book, photograph, chromo, or lithograph, that two copies be deposited; and by the amendatory act of March 3, 1891 (26 Stat., 1107), it is further required that in the case of these four articles—

- 25 "The two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom."

- The question is raised as regards citizens of the United States residing in the Philippines, whether this provision of the act of March 3, 1891, is complied with if copies 30 of their books, photographs, chromos, or lithographs are deposited which have been printed from type set within the territory of the Philippines. \* \* \*

- The Supreme Court decided that the tariff law of 1897, levying duties upon goods imported into the United States "from foreign ports," did not apply to goods coming from our insular possessions, because their ports were not foreign, but domestic. 35 The principle applied was the same as in the case of laws concerning minors, which do not affect those who were minors when the laws were passed after they cease to be minors.

It was not decided, however, that our new possessions are part of "the United States" or "within the limits of the United States."

- 40 Internationally, they are a part of the United States, that is to say, territory under our exclusive sovereignty. But their relations with our own legal system are determined by other than international principles.

In an opinion of my predecessor, dated December 2, 1898 (22 Opin., 269), speaking of "Porto Rico, Cuba, and Manila," he said:

- 45 When they shall have been directly ceded by treaty to the United States, and such treaty duly ratified by the Senate, their respective inhabitants will not be entitled to the benefit of the copyright laws unless the treaty by its terms confers such right, or Congress shall afterwards extend such laws to the inhabitants of those countries.

- 50 Congress has not extended the copyright laws to the Philippines, but has enacted, in setting up a separate government and institutions for those islands, that section

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and Statutes, extending the Constitution and applicable laws to organ- 1  
not to be in force in the Philippines.

may be a domestic country and yet not a part of "the United  
it from the thirteenth amendment to the Constitution and the vari-  
insular tariff cases. The treaty and law-making power seem to 5  
oid incorporating the Philippines with the United States. They  
government for local purposes, with little or no machinery for enforce-  
federal law; a separate customs system, treasury, and postal service;  
held aloof by the declaration that the law for the usual extension  
and laws to organized Territories is not to apply. 10  
should regard their resulting status as excluding them from "the  
generally, or treat the declaration referred to as equivalent to saying  
as not intend the Revised Statutes as amended, including R. S. 4956,  
embracing the Philippines, I think the question presented by the  
gress should be answered in the negative. 15  
actfully,

HENRY M. HOYT,  
*Acting Attorney-General.*

al Opinions of the Attorneys-General of the United States." Advance  
l. 25, 8vo. Washington, Government Printing Office, 1903 [-1906], 20

(page 61.)

#### FREE LIST OF THE TARIFF ACTS OF 1890 AND 1897.

he referred to in section 3 of the act of March 3, 1891, amending sec-  
Revised Statutes, are from the list of articles allowed to be imported 25  
the act of October 1, 1890, and are as follows:

#### FREE LIST OF TARIFF ACT OF 1890.

engravings, photographs, bound or unbound etchings, maps, and  
hall have been printed and bound or manufactured more than twenty  
te of importation. 30  
and pamphlets printed exclusively in languages other than English;  
music, in raised print, used exclusively by the blind.  
engravings, photographs, etchings, bound or unbound, maps and  
l by authority or for the use of the United States or for the use of the  
gress. 35  
maps, lithographic prints, and charts, specially imported, not more  
s in any one invoice, in good faith, for the use of any society incor-  
blished for educational, philosophical, literary, or religious purposes,  
uragement of the fine arts, or for the use or by order of any college,  
l, or seminary of learning in the United States, subject to such regu- 40  
ecretary of the Treasury shall prescribe.  
or libraries, or parts of libraries, and other household effects of per-  
s from foreign countries, if actually used abroad by them not less than  
not intended for any other person or persons, nor for sale. (Fifty-  
first session, chapter 1244, 26 Statutes at Large, page 604.) 45

NOTE 5—*Continued.*

- 1 The paragraphs Nos. 512 to 516, inclusive, of the tariff act approved October 1, 1890, became by the amended tariff act approved July 24, 1897, paragraphs Nos. 500 to 504, inclusive, of the free list as follows:

FREE LIST OF THE TARIFF ACT OF 1897.

- 5 "500. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.
- "501. Books, maps, music, engravings, photographs, etchings, bound or unbound, and charts, which shall have been printed more than twenty years at the date of importation, and all hydrographic charts, and publications issued for their subscribers or exchanges by scientific and literary associations or academies, or publications of individuals for gratuitous private circulation, and public documents issued by foreign governments.
- "502. Books and pamphlets printed exclusively in languages other than English; also books and music, in raised print, used exclusively by the blind.
- "503. Books, maps, music, photographs, etchings, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use or by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.
- "504. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, all the foregoing if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale." (Fifty-fifth Congress, first session, chapter 11, 30 Statutes at Large, 196.)

OPINION OF THE ATTORNEY-GENERAL, JUNE 5, 1901.

- 30 The question whether the amended paragraphs 500 to 504 of the Act of July 24, 1897, should be considered a part of the copyright law was submitted to the Attorney-General, who decided on June 5, 1901, adversely to that construction. The text of his decision follows:

IMPORTATION OF COPYRIGHTED MUSIC.

- 35 Copyrighted music imported under the provisions of paragraph 503, Act of 1897, is not exempted from the prohibition of importation contained in the amendment of section 4956, Revised Statutes, by Act of March 3, 1891.

(23225.)

TREASURY DEPARTMENT, *August 10, 1901.*

- SIR: I am in receipt of your letter of April 16 last, in which you request an opinion from this Department, in order to answer inquiries submitted to your office, whether paragraph 503 of the tariff Act of 1897, which includes music in the free list, is operative to allow the importation of copyrighted music, two copies at any one time, when imported for the use of any society incorporated or established for educational, philosophical, or religious purposes, etc.
- 45 The Department, being in doubt, in view of the decision of the United States circuit court for the district of Massachusetts in the case of Littleton et al. v. Oliver Ditson Company (62 Fed. Rep., 597), and of certain opinions of the Attorney-General, submitted the question to that officer, and it will be observed from his reply (a copy of which is inclosed) that copyrighted music imported under the provisions of 50 the paragraph cited is not exempted from the prohibition of importation contained in the amendment of section 4956, Revised Statutes, by the Act of March 3, 1891.

Respectfully,

O. L. SPAULDING, *Assistant Secretary.*

REGISTER OF COPYRIGHTS,

55 *Library of Congress, Washington, D. C.*

ed.

the free list of the tariff act of July 24, 1897 (30 Stat., 196), merely 1  
en and under what circumstances the articles therein specified are  
a duty on importation, and does not repeal or modify any part of  
it law.

and 4965, R. S., as amended March 3, 1891 (26 Stat., 1109), the 5  
of any of the copyrighted articles enumerated therein, including  
ade a penal offense, and consequently is prohibited.  
l in a statute is just as much a part of it as if expressed.

DEPARTMENT OF JUSTICE,

June 5, 1901. 10

he honor to reply to your note of May 29, 1901, in which, after refer-  
ence to the copyright act of 1891 and the tariff act of 1897, you  
ask for an official opinion, in substance, whether, notwithstanding the prohibitions  
of the tariff act, paragraph 503 of the free list of the tariff act of 1897 authorizes  
importation of copyrighted music for the purposes and in the manner specified 15  
in the act.

The first question is, whether the copyright act forbids the importation of  
copyrighted music. If it does, the second question would be, whether paragraph  
503 of the tariff act authorizes what the copyright act forbids.

The copyright act of March 3, 1891 (26 Stat., 1109), amending section 4956 of the 20  
Revised Statutes, provides that—

the importation into the United States of  
any chromo, lithograph, or photograph, so copyrighted, or any edition or edi-  
tion of the same, shall be, and is hereby, prohibited.

The cases specified in paragraphs five hundred and twelve to five hun- 25  
dred and sixteen, inclusive, in section two of the act entitled "An act to reduce the  
duties on imports, and for other purposes, approved Octo-  
ber 3, 1890," and,  
the case of persons purchasing for use and not for sale, who import sub-  
stantially thereon, not more than two copies of such book at any one time 30  
which are hereby exempted from prohibition of importation. (26 Stat.,

course, competent in such acts to forbid the importation of all such copy-  
rights, or to forbid the importation of only some of them. Whether the 35  
prohibition is the one or the other must be determined by inspection.  
The Copyright Act of 1891, section 4952, as amended (26 Stat., 1109), the following arti-  
cles, viz., a "book, map, chart, dramatic or musical composi-  
tion, cut, print, photograph or negative thereof, or of a painting, drawing,  
statue, or statuette, and of models or designs intended to be perfected as works  
of art," while by section 3 of that act, amending Revised Statutes, section 40  
the prohibition of importation extends only to a "book, chromo, lithograph,  
and the like."

Thus, therefore, that Congress intended by this section to prohibit the  
importation of only a small portion of the articles which might be copyrighted, and  
to permit that the prohibition intended and expressed is only of the four 45  
articles named; and, if this were the only prohibition, it is quite certain that  
it would not prohibit the importation of copyrighted music nor musical compositions.

This is the only express prohibition, it is not the only prohibition of  
importation contained in the copyright act of March 3, 1891. By amended sections  
5, Revised Statutes (26 Stat., 1109), the importation of any of the enu- 50  
merated copyrighted articles is made a penal offense. This can mean nothing less  
than the prohibition of what is thus made penal; for what is implied in a statute is  
a part of it as if expressed. The result is that, while by amended sec-

NOTE 5—*Continued.*

tion 4956 the importation of only four kinds of copyrighted articles is forbidden, with certain exceptions there specified, yet, by amended sections 4964 and 4965, the importation of any and all copyrighted articles is prohibited, including the second prohibition of the four first named, and to this second prohibition there is no exception at all, unless the exceptions to cases in section 4956 extend also to the cases in sections 4964 and 4965. Under this kind of legislation it is impossible to arrive at any satisfactory conclusion as to what Congress really did intend by it.

I am of opinion, however, that the importation of all the copyrighted articles mentioned in amended sections 4956, 4964, and 4965 is prohibited, with the exceptions stated in amended section 4956. And I am of opinion that these exceptions, though not so expressed, apply alike to the prohibitions in all these three sections, so far as, in their nature, they are applicable to articles mentioned in sections 4964 and 4965.

These exceptions are thus stated:

Except in the cases specified in paragraphs 512 to 516, inclusive, in section 2 of the act of 1890—the tariff act.

And except in cases of persons purchasing for use and not for sale, who import subject to the duty thereon, not more than two copies of such book at any one time, and except that in case of newspapers and magazines not containing in whole or in part, matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation.

The effect of the first exception is to exempt from the prohibition of importation the articles mentioned in paragraphs 512 to 516, inclusive, of the tariff act of 1890. It relates expressly to those named articles, and it does not extend the exemption to any others, nor to any others that may be included in the same or similar paragraph of any subsequent act, and as music or musical compositions are not included in these paragraphs 512 to 516, neither is exempted from the prohibition of importation, nor does it become so by having one of the articles named in paragraph 503 of the tariff act of 1897. The exemption referred expressly to articles in the tariff act of 1890, and not to articles in the tariff of 1897.

The other exception of prohibition of importation has relation, so far as is important here, to books only, and not to music.

With relation to this and to some other portions of this opinion, I am not unmindful that music and musical compositions are sometimes in the form of books, and are sometimes produced or reproduced by lithography, or by a process of photography. But it is apparent that in these acts the words “books,” “lithographs,” and “photographs” are used in their ordinary and popular sense, and that the word “book,” “lithograph,” or “photograph” was not understood or intended to include music or musical compositions is apparent from the fact that, while mentioning these three, the act in several instances expressly adds also musical compositions as not being already provided for.

This term would have been without meaning and useless in the statute, although several times used, if it were included in what is otherwise expressed. When a general word or term is used, broad enough to include another particular thing or species, but that other is also expressly named in the same connection, it is presumed that this was done because it was not understood or intended to be comprehended in the more general word or term.

It is quite obvious, and is also the result of rules of legal construction, that the words “book,” “lithograph,” or “photograph” were not intended to include music or musical compositions. They are, therefore, not within any exception to the prohibition of importation. (*Littleton v. Oliver Ditson Co.*, 62 Fed. Rep., 597.)

Paragraph 503 of the tariff act of 1897—as to the effect of which you inquire—has nothing whatever to do with the question submitted. The object and office of a tariff

certain duties to be levied upon certain imported articles and to 1  
are exempt from such duties. Unless expressly so provided, it  
being to do with authorizing the importation of foreign goods.  
less expressly forbidden, the importation of goods from one friendly  
is merely a matter of common right and comity, and does not 5  
require authorization by tariff laws or otherwise.  
The act of 1897 does not profess to confer any right of importation.  
The statutes, its first section simply provides that "there shall be  
and paid upon all articles imported," etc., certain specified duties,  
begins with the statement that, "unless otherwise specially pro- 10  
hibited, the following articles, when imported, shall be exempt from  
duties, if it were required, these would amount to an implied permission  
under the terms stated; but this is not at all the object or purpose, nor is  
it. Nor does the right to import depend at all upon these provisions, 15  
equally without them, and by the comity of friendly nations.  
The act of the tariff act of 1897 therefore simply provides when and under  
which the articles there specified, including music, are exempt from  
duties, and does not contradict, much less repeal, modify, or abrogate  
the copyright act.  
It is therefore answered in the negative. 20

Very,

P. C. KNOX.

BY THE ATTORNEY-GENERAL.

Legal Opinions of the Attorneys-General of the United States. Edited  
by Lott and James A. Finch." Vol. 23, 8°. Washington, Govern-  
ment Printing Office, 1902, pp. 445-450. 25  
Treasury Decisions. 1901." Vol. 4, 8vo. Washington, Government  
Printing Office, 1902, pp. 697-700.

(page 61).

DEPARTMENT DECISIONS AND OPINIONS OF THE ATTORNEYS-GENERAL CONCERNING  
IMPORTATION UNDER THE PROVISIONS OF THE COPYRIGHT LAWS. 30

REGULATIONS AS TO IMPORTATION OF COPYRIGHT ARTICLES, 1899.

*Copyrighted books and other articles.*

Copyrighted books and articles, the importation of which is prohibited  
by the Revised Statutes, as amended by section 3 of the act of March 3,  
shall be admitted to entry. Such books and articles, if imported with the 35  
consent of the proprietor of the copyright, shall be seized by the collector  
of customs and he will take the proper steps for the forfeiture of the goods to the  
proprietor under section 3082, Revised Statutes.  
If copyrighted books and articles imported contrary to said prohibition  
without the previous consent of the proprietor of the copyright, being primarily 40  
for sale to the proprietor of the copyright, shall be detained by the collector  
of customs forthwith notify such proprietor in order to ascertain whether or  
not he will institute proceedings for the enforcement of his right to the forfeiture.  
If the proprietor institute such proceedings and obtain a decree of for-  
feiture, the goods shall be delivered to him upon payment of the expenses incurred 45  
in importation and storage, and the duties accrued thereon. If such proprietor  
does not institute such proceedings within sixty days from date of notice, or shall  
neglect to institute such proceedings, then the collector of customs may  
dispose of the goods in the case of articles imported with the previous consent of such 50



NOTE 6—*Continued.*

- 1 ART. 616. Copyrighted articles, the importation of which is not prohibited, but which, by virtue of section 4965, Revised Statutes, as amended by section 8 of said act, are forfeited to the proprietor of the copyright when imported without his previous consent, and are moreover subject to the forfeiture of \$1 or \$10 per copy, as the case may be, one-half thereof to the said proprietor and the other half to the use of the United States, shall be taken possession of by the collector, who shall take the necessary steps for securing to the United States half of the sum so forfeited, and shall keep the goods in his possession until a decree of forfeiture is obtained, and the half of the sum so forfeited, as well as the duties and charges accrued, are paid; whereupon he shall deliver the goods to the proprietor of the copyright. Duties collected on prohibited copyrighted articles can not be refunded.

In case of failure to obtain a decree of forfeiture, the goods shall be admitted to entry.

*Joint regulations of the Treasury and Post-Office Departments.*

- 15 ART. 617. For the purpose of carrying into effect the provision in section 4965, Revised Statutes, as amended by the copyright acts of March 3, 1891, and March 2, 1895, which prohibits the importation of musical compositions duly copyrighted thereunder, and under the authority conferred by section 4958, Revised Statutes, as amended, which provides that "the Secretary [of the Treasury] and Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles prohibited by this act," the following regulations are promulgated for the government of the officers of the customs and of the postal service, viz:

- 25 ART. 618. Inasmuch as under paragraph 403, act of July 24, 1897, music in books or sheets, except in certain specified cases, is liable to customs duty, postmasters are instructed to carefully examine the mails from foreign countries and to forward all musical publications found therein to the nearest customs officer. Customs officers are instructed to keep a close watch for matter imported through the usual channels in violation of the copyright act.

- ART. 619. Upon the receipt of such matter from postmasters or in the usual channels, customs officers will proceed to collect, in the regular manner, the duty on all such matter as is properly admissible, and shall hold all music in books or sheets imported in violation of any copyright of the United States, and notify by mail the owner of the copyright and the owner, importer, or consignee of the prohibited articles, or the person to whom addressed.

- ART. 620. If within three months from the mailing of the notice the owner of the copyright shall not institute proceedings for forfeiture of such articles under the provisions of section 4965, Revised Statutes, as amended by the act of March 2, 1895 (28 Stat., 965), or the owner or importer of the prohibited articles, or the person to whom addressed, shall not appear and show cause to the contrary, the customs officer is directed to burn or otherwise destroy the prohibited articles.

In "Customs Regulations of the United States Prescribed for the Instruction and Guidance of Officers of Customs. United States Treasury Department."

- 45 8vo. Washington: Government Printing Office, 1900, pages 210, 211, 212.

## (b) TREASURY DEPARTMENT DECISIONS AND OPINIONS OF THE ATTORNEYS-GENERAL.

## Copyrighted books—"Ben Hur."

(15664.)

TREASURY DEPARTMENT, *February 28, 1895.*

- GENTLEMEN: The Department is in receipt of your letter of the 23d instant, further in regard to the importation of Canadian copies of the book entitled "Ben Hur," which you state was copyrighted on October 12, 1880.

you and stated in a newspaper clipping attached to your letter of a passenger on a railroad train to bring into the United States a purchased for his own use, and you ask that instructions may be to refuse admission to such books.

section 3 of the copyright act of March 3, 1891, you will observe copyrighted books, etc., purchased by persons for their own use and imported subject to the duty thereon, are exempted from prohibition.

red to by you are sold at 25 cents each, and the duty thereon at the ad valorem would be 6½ cents, which duty, under the provisions of Customs Regulations of 1892, would be remitted by the collector. it is therefore unable to grant your request.

y, yours,

CHARLES S. HAMLIN, *Acting Secretary.*

R & Bros.,  
Makin Square, New York.

mons under the tariff and navigation laws, etc., February, 1895." ngton. Treas. Dept. Doc. No. 1759. p. 125.) psis of the Decisions of the Treasury Department. 1895." 8vo. Government Printing Office, 1896, p. 125.

COPYRIGHT ACT.

copyright act of March 3, 1891 (26 Stat., 1106), prohibiting the to the United States of foreign editions of any book copyrighted y, is applicable to books copyrighted prior to the passage of the exceptions in the case of persons purchasing for use and not for ort, subject to the duty thereon, not more than two copies of any one time, is not limited in its application to the "authorized ach book.

DEPARTMENT OF JUSTICE,

April 19, 1895.

ur letter of the 15th instant, inclosing a letter from Messrs. Harper ary 15, 1895, with a copy of your reply thereto, dated February 28, er letter from said firm, dated March 2, 1895, and the opinion of ie Treasury as to the application of section 7 of the copyright act of o books copyrighted before said act went into effect.

pinion "as to whether section 3 of said act is applicable to books r to the passage of said act; and if so, whether the exception therein copyrighted books is limited to what are known as 'authorized ned by Messrs. Harper & Bros."

rch 3, 1891 (26 Stat., 1106), is entitled "An act to amend title 60, Revised Statutes of the United States, relating to copyrights."

rved as to this act, that although entitled "An act to amend title 60, in fact, it amends only certain specific enumerated sections of that

rved, further, that it does not repeal the then existing statutes on the the amendments consist solely in the addition of new provisions.

struction, as stated in Sutherland on Statutory Construction, section :

f the amended sections, which are merely copied without changes, sidered as repealed and again enacted, but to have been the law all

NOTE 6—*Continued.*

1 along; and the new parts, or the changed portions, are not to be taken to have been the law at any time prior to the passage of the amended act. The change takes effect, prospectively, according to the general rule.

And in Endlich on the Interpretation of Statutes, section 195:

5 An amendment of a statute may or may not operate as an implied repeal of the original law. If it does not change the same, but merely adds something to it, it is not, in general, a repeal thereof.

The act of March 3, 1891, was intended, as is well known, to protect domestic authors against foreign infringements of their copyrights. And, as appears by section 10 13 of that act, it invited reciprocity in this matter from foreign Governments.

Section 2 is an amendment of section 4956, Revised Statutes. It does not operate to repeal any provision of section 4956, but amends it only "by adding something new." It provides for the deposit in the mail or the delivery at the office of the Librarian of Congress of a printed copy of the title of the work produced, and also 15 two copies of such work; with the proviso, however, that "during the existence of such copyright the importation into the United States of any book \* \* \* copyrighted, or any edition or editions thereof, \* \* \* shall be and is hereby prohibited."

Does this apply only to such books as shall have been copyrighted since March 3, 20 1891? I think not. It secures to the owner of the copyright of every book which shall have been copyrighted in accordance with the requirements of this statute, whether before or after its passage, protection against the sale in this country of foreign publications of his book by prohibiting the importation of such foreign publications. The act is prospective only as to this new security which it affords to the 25 owner of the copyright, and is not prospective as to the books to which that security applies.

He can not claim indemnity for losses sustained by reason of such importation and sale prior to the passage of the act; but while his copyright continues, whether it was acquired before or since March 3, 1891, the benefit of the act extends to him.

30 Neither the letter, the spirit, nor the reason of the act confines the application of the protection it affords to those books that have been copyrighted since its passage.

Tariff laws are prospective. But an amended statute which places on the free list certain articles theretofore subject to duty is not limited in its application to those articles of that class which have been produced or manufactured since the passage of 35 the amendatory act.

To this proviso there is an exception as follows:

And except in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such work at any one time.

Does this refer to two copies of an "authorized edition" of such book?

40 The statute certainly does not say so, and the proviso to which this exception is made provides that "during the existence of such copyright the importation into the United States of any book so copyrighted is hereby prohibited."

I am unable to see on what ground it can be claimed that the exception refers to those books only the foreign publication of which has been authorized by the owner 45 of the copyright.

I am therefore of the opinion—

1. That section 3 of the act of March 3, 1891, applies as well to books which have been copyrighted before as to those which have been copyrighted since the passage of the act.

50 2. That the exceptions in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at

limited in its application to the "authorized editions" of such 1

the inclosures accompanying your letter.

ully,

HOLMES CONRAD, *Solicitor-General.* 5

RICHARD OLNEY.

OF THE TREASURY.

Opinions of the Attorneys-General of the United States. Edited  
adenburg." Vol. 21, 8vo. Washington, Government Printing 10  
1. 159-162.)

opis of the Decisions of the Treasury Department, 1895." 8vo.  
overnment Printing Office, 1896, pp. 446-498.

Copyrighted Books—"Ben Hur."

TREASURY DEPARTMENT, *May 14, 1895.* 15

e Department is in receipt of your letter of March 2 last, further  
portation of copies of the book entitled "Ben Hur," which was  
e United States on October 12, 1880.

he copies are unauthorized or pirated copies, published in Canada,  
advised and understand that section 3 of the Copyright Act of 20  
es not relate to books published in violation of the author's copy-  
d section was made a part of the Copyright Act for the purpose of  
portation of books published with the consent of the author in  
except that books so published might be imported for use and not  
tent of not more than two copies, as in that section provided, and 25  
ion of a book published without the consent of the author in a for-  
n infringement of the copyright, and subjects such books to forfei-  
n 7 of said act.

involved have been submitted to the Attorney-General, and the  
l, under date of the 19th ultimo, advises the Department that the 30  
ion 3 of the act of March 3, 1891, which prohibits the importation of  
ghted or any edition or editions thereof is equally applicable to books  
re or after the passage of said act; that the proviso in said section  
importation of two copies of copyrighted books by persons purchas-  
ot for sale is also applicable to such books, and that the proviso is 35  
application to the "authorized editions" of such books.

nt, in view of this opinion, sees no reason for revoking its decision  
ast.

lly yours,

C. S. HAMLIN,  
*Acting Secretary.* 40

ER & BROR.,  
nklín Square, New York.

[For copy of opinion above referred to see above pp. 121-123.]

peis of the Decisions of the Treasury Department and Board of U. S  
praisers on the Construction of the Tariff, Navigation, and other 45  
8vo. Washington, Government Printing Office, 1896, pp. 495-498.

DITIONS OF BOOKS COPYRIGHTED IN THE UNITED STATES CAN NOT BE  
IMPORTED FOR SALE.

TREASURY DEPARTMENT, *February 3, 1896.*

rtment duly received your letter of the 15th ultimo, inclosing a 50  
the American Copyright League and the American Publishers'

NOTE 6—*Continued.*

- 1 Copyright League, in which they request a review of the Department's decision, Synopsis 16046, dated May 14, 1895, "That the exception in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at any one time, is not limited in its application to the  
5 'authorized editions' of such book."

The above-mentioned statement proceeds on the assumption that said decision authorized the importation generally of so-called unauthorized editions of books copyrighted in the United States, but this assumption is manifestly erroneous, inas-  
much as said decision applies only to books imported into the United States by per-  
10 sons for their own use, and not for sale.

The decision was based upon an opinion of the Attorney-General, dated April 19, 1895, as to the proper construction of the law, and the Department is, therefore, unable to reconsider it.

- The importation of such books for sale is illegal, and the remedy of the owners of  
15 the copyright in this country is set forth fully in section 7 of the act of March 3, 1891.

Respectfully, yours,

CHARLES S. HAMLIN,  
*Assistant Secretary.*

- Mr. R. U. JOHNSON,  
20 *Secretary American Copyright League, New York, N. Y.*

In "Decisions under the tariff, immigration, and navigation laws, etc., February, 1896." Treasury Department Document No. 1845. 8vo. Washington.  
p. 66.

- In "Synopsis of the Decisions of the Treasury Department, 1896." 8vo  
25 Washington, Government Printing Office, 1897, p. 66.

#### IMPORTATION OF CHROMOS—STATUTORY CONSTRUCTION.

- The importation of foreign-made chromos, which are copies of a foreign painting that has been copyrighted, but which are not themselves copyrighted, but are  
30 protected only by the copyright of the original painting, is not prohibited by an act of Congress providing the manner of obtaining a copyright for chromos, and forbidding, during the existence of such copyright, the importation into the United States of any chromos so copyrighted.

- Where the language of an act of Congress is ambiguous, the probable intention of the individual Members of Congress would be sought as a guide to construction,  
35 but a clear omission from the statute can not be supplied upon any consideration of supposed oversight, inconsistency, or hardship.

DEPARTMENT OF JUSTICE,  
*October 3, 1896.*

- SIR: Certain foreign-made chromos which are copies of a foreign painting are  
40 being imported. The painting has been copyrighted under sections 4952 and 4956 of the Revised Statutes, as amended by the act of March 3, 1891, chapter 565. You do not inform me whether or not the importation is a violation of the copyright; nor is this material to the question which has arisen in your Department.

- These chromos are not made from drawings on stone made within the limits of the  
45 United States; and in your communication of September 15 you ask to be advised whether their importation is prohibited by the proviso to section 4956.

- Under the enactments above referred to, by observing the proper formalities, not only may a painting be copyrighted but also a book, photograph, chromo, or litho-  
graph. It is not, however, profitable to copyright a chromo or other lithograph rep-  
50 resenting a copyrighted painting; for the copyright of the painting protects all copies

or persons authorized by him, while copies made by anybody 1  
lithography or otherwise, are illegal. Hence, chromos may be  
not themselves copyrighted, but are protected only by the copy-  
al painting; and I understand from you that these chromos are of  
pyright for a painting under section 4956 a photograph thereof 5  
to the Librarian of Congress, or else deposited in the mail within  
addressed to him. To obtain a copyright for the chromo or litho-  
ereof must be so delivered or deposited; provided—and this is  
ich you refer—that “the two copies of the same required to be 10  
ited as above shall be printed from \* \* \* drawings on stone  
limits of the United States or from transfers made therefrom.”  
as also to books and photographs, but not to paintings. It continues

stence of such copyright the importation into the United States of 15  
mo, lithograph, or photograph so copyrighted, or any edition or  
or any plates of the same not made from type set, negatives, or  
ie made within the limits of the United States, shall be, and it is  
ed.

clearly applies only to books, chromos, lithographs, or photographs, 20  
thereinbefore directed, namely, by delivering or depositing two  
Librarian of Congress. It can not, without violation of its language,  
include in its application chromos or photographs protected merely  
it of the painting.

at the individual Members of the Congress which enacted the proviso 25  
lude all chromos protected by copyright, whether the copyright was  
chromo itself or for the painting of which it is a copy. Had they so  
uld have been easy to say so. Had their language been ambiguous  
intent would have been sought for as a guide to construction. But  
is unambiguous, and to torture the clear language of Congress in order 30  
posed intent of its individual members would be to legislate, not to  
w. “A clear omission from a statute like this can not be supplied  
siderations of supposed oversight, inconsistency, or hardship.” (21

efore the honor to advise you that the importation of the chromos is 35

spectfully,

EDWARD B. WHITNEY,  
*Acting Attorney-General.*

RY OF THE TREASURY.

ie “Official Opinions of the Attorneys-General of the United States. 40  
C. Brandenburg.” Vol. 21. 8vo. Washington, Government Print-  
1898, pp. 416-418.

F CHROMOS WHICH ARE COPIES OF A COPYRIGHTED PAINTING NOT PRO-  
ED BY PROVISIO OF SECTION 3 OF THE ACT OF MARCH 3, 1891.

TREASURY DEPARTMENT, *October 13, 1896.* 45

partment duly received your letter of July 31 last, inclosing a commu-  
Mr. A. Bell Malcomson, in regard to the importation of certain toy  
s, etc., containing chromo-lithographs of paintings which have been  
nder the provisions of the act of March 3, 1891.

s which form the cover, and in some cases the illustrations of the 50  
ot been copyrighted as chromos, under said act, but Mr. Malcomson

NOTE 6—*Continued.*

- 1 Copyright League, in which they request a review of the Department's decision, Synopsis 16046, dated May 14, 1895, "That the exception in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at any one time, is not limited in its application to the  
5 'authorized editions' of such book."

The above-mentioned statement proceeds on the assumption that said decision authorized the importation generally of so-called unauthorized editions of books copyrighted in the United States, but this assumption is manifestly erroneous, inas-  
much as said decision applies only to books imported into the United States by per-  
10 sons for their own use, and not for sale.

The decision was based upon an opinion of the Attorney-General, dated April 19, 1895, as to the proper construction of the law, and the Department is, therefore, unable to reconsider it.

- The importation of such books for sale is illegal, and the remedy of the owners of  
15 the copyright in this country is set forth fully in section 7 of the act of March 3, 1891.

Respectfully, yours,

CHARLES S. HAMLIN,  
*Assistant Secretary.*

- 20 Mr. R. U. JOHNSON,  
*Secretary American Copyright League, New York, N. Y.*

In "Decisions under the tariff, immigration, and navigation laws, etc., February, 1896." Treasury Department Document No. 1845. 8vo. Washington.  
p. 66.

- 25 In "Synopsis of the Decisions of the Treasury Department, 1896." 8vo  
Washington, Government Printing Office, 1897, p. 66.

#### IMPORTATION OF CHROMOS—STATUTORY CONSTRUCTION.

- The importation of foreign-made chromos, which are copies of a foreign painting that has been copyrighted, but which are not themselves copyrighted, but are  
30 protected only by the copyright of the original painting, is not prohibited by an act of Congress providing the manner of obtaining a copyright for chromos, and forbidding, during the existence of such copyright, the importation into the United States of any chromos so copyrighted.

- Where the language of an act of Congress is ambiguous, the probable intention of the individual Members of Congress would be sought as a guide to construction,  
35 but a clear omission from the statute can not be supplied upon any consideration of supposed oversight, inconsistency, or hardship.

DEPARTMENT OF JUSTICE,  
October 3, 1896.

- SIR: Certain foreign-made chromos which are copies of a foreign painting are  
40 being imported. The painting has been copyrighted under sections 4952 and 4956 of the Revised Statutes, as amended by the act of March 3, 1891, chapter 565. You do not inform me whether or not the importation is a violation of the copyright; nor is this material to the question which has arisen in your Department.

- These chromos are not made from drawings on stone made within the limits of the  
45 United States; and in your communication of September 15 you ask to be advised whether their importation is prohibited by the proviso to section 4956.

- Under the enactments above referred to, by observing the proper formalities, not only may a painting be copyrighted but also a book, photograph, chromo, or litho-  
graph. It is not, however, profitable to copyright a chromo or other lithograph rep-  
50 resenting a copyrighted painting; for the copyright of the painting protects all copies

ed.

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y lithography or otherwise, are illegal. Hence, chromos may be  
are not themselves copyrighted, but are protected only by the copy-  
nal painting; and I understand from you that these chromos are of  
n.

opyright for a painting under section 4956 a photograph thereof 5  
d to the Librarian of Congress, or else deposited in the mail within  
s addressed to him. To obtain a copyright for the chromo or litho-  
st ereof must be so delivered or deposited; provided—and this is  
hich you refer—that “the two copies of the same required to be 10  
mitted as above shall be printed from \* \* \* drawings on stone  
e limits of the United States or from transfers made therefrom.”  
tes also to books and photographs, but not to paintings. It continues

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, or any plates of the same not made from type set, negatives, or  
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ted.

clearly applies only to books, chromos, lithographs, or photographs, 20  
thereinbefore directed, namely, by delivering or depositing two  
Librarian of Congress. It can not, without violation of its language,  
, include in its application chromos or photographs protected merely  
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intent would have been sought for as a guide to construction. But  
is unambiguous, and to torture the clear language of Congress in order 30  
posed intent of its individual members would be to legislate, not to  
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*Acting Attorney-General.*

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. C. Brandenburg.” Vol. 21. 8vo. Washington, Government Print-  
, 1898, pp. 416-418.

OF CHROMOS WHICH ARE COPIES OF A COPYRIGHTED PAINTING NOT PRO-  
TED BY PROVISIO OF SECTION 3 OF THE ACT OF MARCH 3, 1891.

TREASURY DEPARTMENT, *October 13, 1896.* 45

epartment duly received your letter of July 31 last, inclosing a commu-  
a Mr. A. Bell Malcomson, in regard to the importation of certain toy  
ets, etc., containing chromo-lithographs of paintings which have been  
under the provisions of the act of March 3, 1891.  
os which form the cover, and in some cases the illustrations of the 50  
not been copyrighted as chromos, under said act, but Mr. Malcomson



NOTE 6—*Continued.*

1 claims that, as they are protected by the copyright on the original painting, their importation is prohibited by the proviso in section 3 of the act which prescribes that "during the existence of such copyright the importation into the United States of any book, chromo, lithograph, or photograph so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, negatives, or drawings on stone made within the limits of the United States, shall be, and it is hereby, prohibited."

The question involved has been submitted to the Solicitor of the Treasury and to the Attorney-General, and those officers concur in the opinion that the importation of chromos which are copies of a copyrighted painting is not prohibited by said proviso.

You will therefore be governed accordingly.

Respectfully, yours,

CHARLES S. HAMLIN,  
*Acting Secretary.*

15 COLLECTOR OF CUSTOMS, *New York, N. Y.*

In "Decisions under the tariff, immigration, and navigation laws, etc., October, 1896." Treasury Department Document No. 1906. 8vo. Washington. p. 773.

20 In "Synopsis of the Decisions of the Treasury Department, 1896." 8vo. Washington, Government Printing Office, 1897, p. 773.

#### IMPORTATIONS OF COPYRIGHT ARTICLES.

The term "book," as construed by the courts under the copyright laws, includes a musical or other composition, though printed on but one sheet.

25 The importation of reprints of musical compositions copyrighted in the United States is prohibited.

The importation of music books copyrighted in the United States is prohibited. Music books made up in part of musical compositions copyrighted in the United States are prohibited importation.

30 An article which is prohibited importation can not gain admission through being attached to an article which is not prohibited.

Regulations for the forfeiture or destruction of imported prohibited articles may be so framed as to provide due process of law.

DEPARTMENT OF JUSTICE,  
*February 7, 1898.*

35 SIR: In your communication of November 27 you call my attention to the provisions of sections 4956, 4958, 4964, and 4965 of the Revised Statutes as amended by "An act to amend title sixty, chapter three, of the Revised Statutes, relating to copyrights," approved March 3, 1891 (26 Stat., 1106), and submit the following questions:

40 1. Are the reprints of musical compositions copyrighted in the United States prohibited importation?

2. Are music books prohibited importation in view of the special provision of the law prohibiting copyrighted books (presumably all kinds)?

45 3. Are music books made up in part of musical compositions copyrighted in the United States and in part of musical compositions not copyrighted, or which have been protected by copyrights expired, such books as are prohibited importation?

4. Can musical compositions or music books, copyrighted and imported into the United States in contravention of law, be lawfully destroyed or forfeited without a decree by a court?

Section 4952, as amended by the act of March 3, 1891, provides that—

50 The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph, or negative thereof, \* \* \* shall \* \* \* have the sole liberty of printing, reprinting, publishing, \* \* \* and vending the same.

obtaining a copyright is prescribed by section 4956, as amended by 1  
part of the section requires the author to deposit in the office of  
Congress a printed copy of the title and two copies of the book,  
typic or musical composition, engraving, cut, print, photograph, or  
or part of the section provides that "during the existence of such 5  
importation into the United States of any book, chromo, lithograph,  
copyrighted \* \* \* or any plates from the same not made from  
stone, or drawings on stone made within the limits of the United  
States.

Printings are usually published by the lithographic process. The 10  
type set from type, and occasionally reproduced by one of the numer-  
ous processes.

Reading of the entire act, its scope and purposes, leads to the conclusion  
intended to prohibit the importation of any of the enumerated copy-  
rights when reprinted or reproduced by type set or by negatives or 15  
made outside of the United States.

Book, map, chart, dramatic or musical composition," etc., used in sec-  
tion the first part of section 4956, denote the intellectual composition;  
typic, chromo, lithograph, or photograph," used in the latter part of  
physical production. In the first part Congress had in mind the 20  
to be protected by copyright; in the latter part the mechanical  
to place such work in salable shape.

Copyright laws as construed by the courts, the term "book" includes a  
composition, though printed on but one sheet. (*Clayton et al. v. Stone*  
383-391; *Drury v. Ewing*, 1 Bond, 540-545; *Higgins v. Keuffel*, 140 25  
reprint of a musical composition may be a "book" or "lithograph"  
," according to the mechanical process used. The importation of  
compositions reproduced by any of the processes mentioned in the con-  
section 4956 is prohibited.

The second questions must therefore be answered in the affirmative. 30

As to the third question. Music books made up in part of musical com-  
positions copyrighted in the United States are prohibited importation. A prohibited  
composition gain admission through being attached to an article which is not pro-  
hibited must be treated as an entirety, and if part of it can not be imported  
it must be excluded. 35

The last question is submitted in view of the following stipulation con-  
stituting convention between the United States and Canada, which bears  
date 19, 1888:

Articles, ordinary letters, postal cards, and other manuscript matter,  
commercial papers, books (bound or stitched), proofs of printing, engrav- 40  
ings, drawings, maps, and other articles manifestly of value to the sender,  
delivered from any cause, shall be reciprocally returned, monthly,  
through the central administrations of the two countries in special  
marked "Rebuts," after the expiration of the period for their return  
under the laws or regulations of the country of destination. 45

Graph of section 4958, as amended by section 4 of the act of March 3,

By the Treasury and the Postmaster-General are hereby empowered  
to make and enforce such rules and regulations as shall prevent the  
importation into the United States, save upon the conditions above specified, of all 50  
reproduced by this act.

The Attorney-General, in response to an inquiry from the Secretary of the  
Treasury expressed the opinion that the Secretary of the Treasury and the Post-

NOTE 6—*Continued.*

- 1 master-General have the authority, under this provision, to make rules and regulations for the destruction of music and music books imported into this country in violation of the copyright laws of the United States. From this view I am not prepared to dissent. The provision of the postal convention quoted certainly does not  
5 require the return to Canada of articles which shall become forfeited through a violation of the laws of the United States, and, in my opinion, rules and regulations for the forfeiture and, if deemed necessary, the destruction of prohibited articles may be so framed as to provide due process of law.

Very respectfully,

JOHN K. RICHARDS,  
*Solicitor-General.*

- 10 Approved.

JOHN W. GRIGGS.

The POSTMASTER-GENERAL.

- 15 In "Official Opinions of the Attorneys-General of the United States. Edited by E. C. Brandenburg." Vol. 22, 8vo. Washington, Government Printing Office, 1900, pp. 29-32.

#### INVALID IMPORTATIONS—DESTRUCTION.

- When property is of trifling value and its destruction is necessary to effect the object of a valid law, it is within the power of the legislature to order its summary  
20 destruction without obtaining a forfeiture by judicial proceedings.  
By section 4958, Revised Statutes, as amended by section 4 of the act of March 3, 1891, the Secretary of the Treasury and the Postmaster-General, in making and enforcing rules and regulations with reference to the importation of music and music books in violation of copyright laws, may provide for their summary  
25 destruction without notice.  
If their nature and value demand a notice and hearing before destruction, the rules and regulations adopted may be framed to provide for the same.

DEPARTMENT OF JUSTICE,  
May 6, 1898.

- 30 SIR: The last paragraph of section 4958, as amended by section 4 of the act of March 3, 1891, relating to copyrights, provides:

The Secretary of the Treasury and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, save upon the conditions above specified, of all  
35 articles prohibited by this act.

- In an opinion given the Postmaster-General on February 7, 1898, I stated I was not prepared to dissent from the view expressed by the Solicitor of the Treasury that, under this provision, the Secretary of the Treasury and the Postmaster-General have authority to make rules and regulations for the destruction of music and music  
40 books imported into this country in violation of the copyright laws of the United States; and, in this connection, used this language:

In my opinion rules and regulations for the forfeiture and, if deemed necessary, the destruction of prohibited articles, may be so framed as to provide due process of law.

- 45 The use of the phrase "due process of law" has led to the inquiry, in your communication of the 1st ultimo, whether the forfeiture and, if need be, the destruction of music and music books imported into this country in violation of our copyright laws, may be had "without first obtaining a decree of forfeiture by a court of competent jurisdiction."

a process of law" does not necessarily mean by a judicial proceed- 1  
 , Anderson, 95 U. S., 37, 41.) It is not necessary in every instance  
 re by a judicial proceeding in order to destroy property illegally  
 cases where property illegally used may be summarily destroyed.  
 ty involved is of trifling value and its destruction is necessary to 5  
 f a valid law, it is within the power of the legislature to order its  
 tion. (Lawton v. Steele, 152 U. S., 133, 141.) To require a judi-  
 condemn a sheet of music or a music book, wrongfully imported  
 feiture, would effectually prevent, in the case under consideration,  
 the copyright laws. The expense of such a proceeding would 10  
 e value of the music or music books. The return of the music or  
 e foreign seller would afford him an inducement to violate the law

m under consideration, the Secretary of the Treasury and the Post-  
 re not only empowered but *required* to make and *enforce* such rules 15  
 shall prevent the importation of prohibited articles. To prevent  
 portation of prohibited music and music books may require, under  
 nces, their summary destruction without notice; and if their nature  
 id a notice and hearing before destruction, the rules and regulations  
 ay be so framed as to provide for the same, and protect the interests 20  
 cerned, without preventing or impeding the enforcement of the copy-  
 ing the Government to the necessity of resorting in the first instance

ly,

JOHN K. RICHARDS,  
*Solicitor-General.* 25

JOHN W. GRIGGS.

I OF THE TREASURY.

al Opinions of the Attorneys-General of the United States. Edited  
 randenburg." Vol. 22, 8vo. Washington, Government Printing 30  
 pp. 70-71.

MUSIC IMPORTED BY MAIL IN VIOLATION OF THE COPYRIGHT LAWS.

[Circular No. 114.]

TREASURY DEPARTMENT,  
 OFFICE OF THE SECRETARY, 35  
 Washington, D. C., June 21, 1898.

*customs and others concerned:*

joint regulations of the Treasury and Post-Office Departments are  
 in information and guidance.

L. J. GAGE, *Secretary.* 40

int Regulations, see Art. 617-620, p. 120.]

ury Decisions. 1898." Vol. 1, 8vo. Washington, Government  
 ce, 1898, pp. 982-983.

IMPORTATION OF COPYRIGHTED BOOKS, ETC.

books, etc., and electrotype or stereotype plates made from type 45  
 sign country are prohibited importation into ports of the United

TREASURY DEPARTMENT, *December 10, 1898.*

he Department is in receipt of your letter of the 7th instant, in  
 re whether you have a right to import from England, either in 50

## NOTE 6—Continued.

1 sheets or stereotyped or electrotyped plates, a book which is duly and legally copy-  
 10 righted in the United States, you being the owners of the copyright. You state that  
 a New York publishing house has offered to sell you the copyright of the book  
 referred to, and that you are inclined to buy it if you can legally import an English  
 5 edition.

In reply I have to inform you that the importation of such sheets and plates is  
 prohibited by section 4956, Revised Statutes, as amended, which provides that "dur-  
 ing the existence of such copyright the importation of any book, chromo, lithograph,  
 or photograph, so copyrighted, or any edition or editions thereof, or any plates of  
 10 the same not made from type set, negatives, or drawings on stone made within the  
 limits of the United States, shall be, and is hereby, prohibited."

Respectfully, yours,

W. B. HOWELL,  
 Assistant Secretary.

Messrs. L. C. PAGE & Co., Boston, Mass.

15 In "Treasury Decisions. 1898." Vol. 2, 8vo. Washington, Government  
 Printing Office, 1899, p. 995.

## MUSIC IMPORTED BY MAIL IN VIOLATION OF COPYRIGHT LAWS.

[Circular No. 5.]

(20490.)

TREASURY DEPARTMENT, January 4, 1899.

20 To collectors and other officers of the customs:

You are hereby instructed to keep an accurate record showing the name and  
 address of addressee, titles of publications, name and address of sender, from whom  
 received, date of reception, and final disposition of all musical publications received  
 by mail and held by you for violation of the copyright laws, under the joint regu-  
 25 lations of the Treasury and Post-Office Departments (Synopsis 19514), and to report  
 same to the Department on the first day of each month, beginning on February 1  
 proximo.

W. B. HOWELL, Assistant Secretary.

30 In "Treasury Decisions. 1899." Vol. 1, 8vo. Washington, Government  
 Printing Office, 1899, p. 43.

## COPYRIGHTED BOOKS.

Books translated and printed exclusively in languages other than English are not  
 subject to the prohibition of section 3 of the copyright act of March 3, 1891, and  
 may be imported free of duty, notwithstanding the English editions are copy-  
 35 righted in the United States.

(21003.)

TREASURY DEPARTMENT, April 13, 1899.

GENTLEMEN: The Department is in receipt of your letter of the 7th instant, in which  
 you state that you are the proprietors of the copyright and publishers of *In His Steps*,  
 by C. M. Sheldon, and that, as the book was not copyrighted abroad, translations  
 40 are being published in various countries. You desire to be informed whether you  
 can import the translated books exclusively, or, if you import them, will the same  
 privilege be granted to others, and whether the translations can be imported for sale  
 without your consent.

In reply I have to inform you that section 3 of the copyright act of March 3, 1891,  
 45 provides, in part, that no person shall be entitled to a copyright unless he shall, not  
 later than the day of publication, deliver at the office of the Librarian of Congress,  
 at Washington, D. C., two copies of such copyrighted book "printed from type set  
 within the limits of the United States or from plates made therefrom," and that,  
 "during the existence of such copyright, the importation into the United States of  
 50 any book \* \* \* so copyrighted or any edition or editions thereof, or any plates

from type set within the limits of the United States, shall be, 1  
 "prohibited." Said section, however, excepts from the prohibition,  
 "books and pamphlets printed exclusively in languages other  
 than English, they may be imported by yourselves, or anyone 5

invited to paragraphs 500 to 504, inclusive, of the tariff act of 1897.  
 yours,

O. L. SPAULDING,  
 Acting Secretary. 10

PUBLISHING COMPANY, Chicago, Ill.

7 Decisions. 1899." Vol. 1, 8vo. Washington, Government  
 1899, p. 781.

#### COPYRIGHTED MUSIC.

local compositions not subject to the prohibition of section 3 of the 15  
 [March 3, 1891.

TREASURY DEPARTMENT, April 17, 1899.

ment is in receipt of your letter of the 3d instant, further in rela-  
 tion of Messrs. Fisher & Bros. for the delivery of certain volumes  
 & composition bound in covers, copyrighted in this country and 20  
 in stone in a language other than English.  
 ie musical work or composition was imported per *Gera* from Bre-  
 st, and has since been detained by you pending the consideration  
 o whether the importation is within the prohibition of section 3  
 r of March 3, 1891. 25  
 um that the music consists of an entire composition for four voices,  
 shed, but produced by a process of engraving on metallic plates.  
 after a careful investigation, held, on March 24 last, that the arti-  
 , and as such was subject to the prohibition of said section 3, but  
 3d instant you invite the attention of the Department to a deci- 30  
 1, 1894, of the United States circuit court for the district of Massa-  
 s of Littleton et al v. Oliver Ditson Company, reported in Federal  
 2, pages 597-599. The facts in the case considered by the court  
 ants, subjects of Great Britain and publishers of music, had copy-  
 cal compositions, two of which were in the form of sheet music, 35  
 consisted of 90 pages of music bound together in book form and  
 and the inquiry was whether a musical composition is a book or lith-  
 neaning of the proviso in section 3 of the act, which declares that  
 ok, photograph, chromo, or lithograph," the two copies required  
 the Librarian of Congress shall be manufactured in this country. 40  
 rovisions of the copyright law applicable to the case, Judge Colt

of these provisions it seems clear that "book" was not intended  
 d composition." In the section which enumerates the things  
 yrighted "musical composition" is mentioned as something dif- 45  
 "and we find this same distinction twice observed in the preced-  
 ion which contains the proviso. It is as reasonable to suppose  
 musical composition" were as much intended to refer to different  
 hart, engraving," and other enumerated articles. If Congress,  
 intended to include a musical composition among those copy- 50  
 h must be manufactured in this country, it should have incor-  
 list of things subject to this restriction. The omission in the

NOTE 6—*Continued.*

1 proviso of "musical composition," as well as of "map, chart, engraving," and other things before enumerated, is very significant as indicating that Congress never intended to extend this proviso to any of those articles. And so with respect to "lithograph," if Congress had intended to cover by that word a musical composition made by the lithographic process it should have expressed its meaning in clear and unambiguous terms, in view of the language used in other portions of the statute.

In conclusion, the court stated that the natural reading of the statute, the intent of Congress, and the rules which govern the construction of statute law show that musical compositions are intended to be excluded from the operation of the proviso.

10 While the Department is of the opinion that music and musical compositions are largely if not exclusively produced either from electrotypes plates or from stone by lithographic process (not directly from drawings on stone), yet, in view of the decision of the circuit court above referred to, the process is immaterial, for, as musical compositions, they are not included within the prohibition of the proviso to

15 said section 3. You are, therefore, hereby authorized to permit delivery of the music under detention to the importers.

Respectfully, yours,

O. L. SPAULDING,  
*Acting Secretary.*

COLLECTOR OF CUSTOMS, *New York, N. Y.*

20 In "Treasury Decisions. 1899." Vol. 1, 8vo. Washington, Government Printing Office, 1899, pp. 792-794.

## COPYRIGHTED BOOKS.

Prohibition of importation found in section 3 of the copyright act does not apply to translations into foreign languages of books printed in English and copyrighted

25 in the United States.

(21018.)

TREASURY DEPARTMENT, *April 18, 1899.*

GENTLEMEN: Referring to your letter of the 15th instant, further in relation to the importation of translations into foreign languages of a book printed in English and copyrighted in this country, I have to inform you that Department's letter, addressed

30 to you under date of the 13th instant, relates solely to the *importation* of the books, and had no reference to the infringement of copyright.

You will observe that one of the provisos to section 4956, Revised Statutes, reads "that in the case of books in foreign languages of which only translations in English are copyrighted the prohibition of importation shall apply only to the translation of

35 the same and the importation of the books in the original language shall be permitted." So, *e converso*, the translations into foreign languages of books printed in English are exempted from the prohibition of said section 4956. If such books are imported in violation of your copyright, your remedy lies in section 4964, Revised Statutes.

40 Respectfully, yours,

O. L. SPAULDING,  
*Assistant Secretary.*

The ADVANCE PUBLISHING COMPANY, *Chicago, Ill.*

In "Treasury Decisions. 1899." Vol. 1, 8vo. Washington, Government Printing Office, 1899, pp. 798-799.

45

## COPYRIGHTED BOOKS.

Copyrighted books printed in Europe from plates made from type set within the limits of the United States are not subject to prohibition of importation.

(21090.)

TREASURY DEPARTMENT, *May 4, 1899.*

GENTLEMEN: Replying to your letter of the 29th ultimo, I have to inform you that

50 copyrighted books printed in Europe from plates made from type set within the limits

are not subject to the prohibition of importation in section 3 of 1  
March 3, 1891.

Yours,

O. L. SPAULDING,

*Acting Secretary.*

SCHUBERTH & Co., New York, N. Y.

ry Decisions. 1899." Vol. 1, 8vo. Washington, Government 5  
s, 1899, p. 912.

ATTORNEY-GENERAL OF THE UNITED STATES, JANUARY 19, 1901,  
SING TO THE IMPORTATION OF ROSTAND'S "L'AIGLON."

It, though printed abroad in the French language, is, nevertheless, 10  
portation under the copyright laws for the reason that said book  
righted in the United States.

TREASURY DEPARTMENT, January 26, 1901.

me's, of New York, have requested this Department to issue such  
y be deemed necessary to prevent the entry of the dramatic com- 15  
"L'Aiglon," printed abroad in the French language from type not  
its of the United States, nor from plates made therefrom.  
copyright rights have been secured in the United States by E. Fas-  
ublishes the book abroad; that he has assigned his rights in the  
ie Brentano's; that, notwithstanding this assignment, importation 20  
tates has been or will be made, and the Brentano's invoke this  
ority under sections 4956 and 4963, Revised Statutes, as amended  
h 3, 1891.

; in view of the apparent exception in said section 4956 from pro-  
ation of books printed exclusively in a foreign language, doubted 25  
mply with the Brentano's request, and consequently the question  
the Attorney-General for an expression of his views. In a letter  
tant, a copy of which is inclosed, the Attorney-General expresses  
lthough "L'Aiglon" was copyrighted as a dramatic composition,  
the less a book, and, as such, is subject to prohibition, notwith- 30  
hat it is printed exclusively in a foreign language. This conclusion  
en reached through the final proviso in section 4956, which, in the  
orney-General, makes clear the intention of Congress, viz, to per-  
on of a book in the foreign original language only when there is  
copyright of the book in that language. Otherwise a book in a 35  
ould not be effectively copyrighted in the United States, and the  
es extended to citizens of France by the Executive proclamation  
ould be rendered nugatory. It will be observed also that the  
does not state that the holder of an American copyright on a work  
e entitled to prevent the importation, say, of a Spanish or German 40  
he prohibition of importation extends to books and music in raised  
vely by the blind; books, engravings, maps, etc., more than twenty  
rted for the use of the United States, or of any educational, liter-  
stitution, etc., or books forming part of the household effects of  
gn countries. 45

: foregoing, you are instructed to prohibit entry of the book  
rted in violation of the copyright rights of the Brentano's. You  
at the prohibition does not extend to *bona fide* importations under  
11, that portion of paragraph 502 relating to books and music in  
und 504 of the tariff act of July 24, 1897. 50

Y,

O. L. SPAULDING,

*Assistant Secretary.*

Customs, New York, N. Y.



NOTE 6—*Continued.*

1 IMPORTATION OF FOREIGN BOOKS COPYRIGHTED IN THE UNITED STATES.

The Secretary of the Treasury is authorized and it is his duty, under sections 4956 and 4958; Revised Statutes, as amended by the Act of March 3, 1891 (26 Stat., 1106), to refuse entry to importations of a book printed in the original French from type not set within the United States nor from plates made therefrom, where the copyright for the United States was secured by the Paris publisher and afterwards by him assigned to an American house.  
A dramatic composition may be a book.

DEPARTMENT OF JUSTICE,  
*Washington, D. C., January 19, 1901.*

10 SIR: Your letter of December 14, 1900, with its accompanying documents, advises me that you are requested by the house of Brentano's, New York, to issue the necessary instructions to prevent entry of Edmond Rostand's "L'Aiglon," printed abroad in the original French from type not set within the limits of the United States, nor from plates made therefrom. It appears that a copyright for the United States has been fully secured by the Paris publisher as proprietor, and that all rights thereunder have been duly assigned by him to Brentano's; that, nevertheless, importations of a Paris edition of the book, issued by the same publisher and bearing notice of copyright in the United States, have been made; and Brentano's invoke for their relief your authority under sections 4956 and 4963, Revised Statutes, as amended by the act of March 3, 1891 (26 Stat., 1106), or under section 11 of the tariff act of 1897 relating to trade-marks (30 Stat., 207). Thereupon you request my opinion on the question whether these importations are prohibited under the law. You do not state that the importations are limited in the number of copies per invoice, or in purpose or intended use, or with respect to the character of the persons, individual or corporate, for whom they may be made. I remark further, as patent on the face of the papers, that Brentano's edition also is in the French tongue and bears notice of American copyright, and that the two editions are identical in text and similar in general appearance and in cover and title-page particulars. It should be observed, however, that no simulation intended to deceive appears, nor is it suggested that the foreign publisher-proprietor (the assignor, as stated, of the United States copyright) has procured or connived at the obnoxious importations.  
Section 4956, Revised Statutes, as amended by the "international copyright act" of 1891, *supra*, provides that—

35 \* \* \* during the existence of such copyright the importation into the United States of any book, etc., so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set \* \* \* within the limits of the United States, shall be, and it is hereby, prohibited, except in the cases specified in paragraphs 512 to 516, inclusive, in section 2 of the tariff act of 1890, and except in the case of an importation subject to duty of not more than two copies of such book at any one time, "for use and not for sale," etc.:

40 *Provided*, nevertheless, that in the case of books in foreign languages, of which *only* translations in English are copyrighted, the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original language shall be permitted.

The paragraphs cited from the tariff act of 1890 are contained in the free list of that act, and admit free of duty, with certain limitations, books, engravings, maps, etc., more than twenty years old, or imported for the use of the United States, or of any educational, literary, or religious institution, etc., or forming part of the household effects of persons from foreign countries, and (par. 513) "books and pamphlets printed exclusively in languages other than English" \* \* \* (26 Stat., 567, 604).

Thus it appears that the main question in this case simply is whether the freedom from duty granted on an importation of books printed exclusively in languages other

ed.

der paragraph 513 of the tariff act of 1890, which is specified as one of 1  
the prohibitions of importation under the copyright law of 1891,  
as to defeat the protection of copyright on a book in a foreign  
question, however, requires more accurate delimitation. The rights  
to English in this country and elsewhere are not now involved; 5  
ably in other hands. Nor does it appear that the author or pro-  
e any disposition of the rights here or abroad in other languages  
e. I do not intend, therefore, to suggest by my formulation that  
n American copyright on a work in French would be entitled to  
portation, say, of a Spanish or German version, with both of which 10  
e reciprocal copyright relations. Such a claim, however, would call  
nd intent of the assignment of copyright and the unqualified and  
which is given to authors and their assigns by section 4952, Revised  
ended by the act of 1891, "to dramatize and translate any of their  
h copyright shall have been obtained under the laws of the United 15  
l as the possible effect of section 4956 and paragraph 513 in denying  
yright protection against competing importations.

before us, therefore, must be strictly restrained, as follows: Whether,  
e specified exception to the prohibition of importation in section 4956,  
a book written in French, printed exclusively in that language, and 20  
abroad, may be imported into this country, although the same literary  
copyrighted in the same language under the laws of the United States  
printed and made into a book in this country.

remarked that under the reciprocity provisions of section 13 of the  
of 1891, the protection of the act was extended to citizens of France 25  
proclamation of July 1, 1891 (27 Stat., 981, 982). It must also be  
at, although "L'Aiglon" was copyrighted in the United States as a  
position" (no doubt because the right of representation was expressly  
ler that term by section 4952 as amended), the work is none the less a  
is clearly covered by that word as used in section 4956 and paragraph 30  
other language of the said section and the penal provisions of the law  
finally amended by act of March 3, 1897, 29 Stat., p. 694), by omitting  
in different provisions the words "dramatic composition" with other  
rms, indicate that the change of phraseology was intentional, and  
atic composition" is not necessarily a "book" (vide as to "Musical 35  
' Littleton v. Ditson Company, 62 Fed. Rep., 597; Ditson Company  
7 id., 905), I do not understand that the point has been raised in this  
ave no difficulty in concluding that *this* "dramatic composition" at all  
book." Obviously it is such by all literary and mechanical tests, and  
o because the record of copyright denominates it a "dramatic compo- 40  
just as much so under the American copyright as in the foreign edition  
ing free entry as a "book."

re, it necessarily appears that the two copies of the American "L'Aiglon"  
e deposited in the Library of Congress (sec. 4956) were printed from  
in the United States, which the act requires in the case of a "book," 45  
apparently or expressly in the case of a "dramatic or musical composi-  
lia (see Littleton v. Ditson Co., ut supra.)

publication, then, being entitled as a book under the copyright to any  
rich section 4956 may extend, we have to inquire whether the protec-  
like the present is real and effective or purely nugatory. Does the 50  
y with one hand what it gives with the other?

is essentially an *exclusive right*. It is so denominated in all the laws  
11, 1790, 1 Stat., 124; act of February 3, 1831, 4 Stat., 436; act of July 8,

## NOTE 6—Continued.

1 1870, 16 Stat., 198, 212; sec. 4954, Rev. Stat.). It is in effect defined in the statute itself  
 (sec. 4952) as "the sole liberty of printing, reprinting, publishing, completing, copying,  
 executing, finishing, and vending" a book, etc., "and, in the case of a dramatic com-  
 position, of publicly performing or representing it or causing it to be performed or  
 5 represented by others." "Copyright, under the statute, is the exclusive right to  
 publish a literary or artistic work." (Pierce and Bushnell Mfg. Co. v. Werckmeister,  
 72 Fed. Rep., 54.)

I think there can be no doubt that the main purpose of the recent amendments to  
 the copyright laws was to extend to foreign authors and artists, upon assurance of  
 10 reciprocal privileges being granted to us by foreign countries, the copyright protection  
 which had previously been restricted to citizens and residents of the United States.  
 The history of the legislation and of the long agitation on the subject conclusively  
 shows this. (Littleton v. Ditson, 62 Fed. Rep., 597; Putnam on the Question of Copy-  
 right [2d ed.], p. 33, citing Report of Henry Clay in 1837; pp. 40, 77, citing Report of  
 15 House Committee on Patents in 1890; p. 148, quoting from speeches in the Senate  
 debate of 1891, et passim.) A conjoint purpose was the protection of American  
 labor, especially in the printing trade. (Putnam, ut supra, pp. 52, 78, etc.) The  
 views of statesmen regarding a measure of legislation may properly be considered,  
 and while their statements are not admissible to control the meaning of words in a  
 20 law, nevertheless such statements are "valuable as contemporaneous opinions of  
 jurists and statesmen upon the legal meaning of the words themselves." (Wong  
 Kim Ark v. United States, 169 U. S., 649, 699; and see Am. Net and Twine Co. v.  
 Worthington, 141 U. S., 468, 473-4.)

It is a cardinal rule in construing a law that the evil or defect to be remedied should  
 25 be borne in mind, and that to effectuate the intention, supposed repugnancies should  
 be reconciled if possible, ut res magis valeat quam pereat. Examining the subject,  
 then, in the light of such facts and principles, it is evident to me that there is an  
 essential difference between paragraph 513, as quoted, and the other paragraphs of  
 the act of 1890 incorporated in section 4956, for in the latter paragraphs the exception  
 30 to prohibition of importation rests upon liberal reasons of polity and involves a con-  
 cession against exclusive rights both narrow in scope, and meritorious as encouraging  
 enlightened learning or operating on special and restricted individual or corporate  
 privileges. (Cf. the further exception in section 4956 of two copies of a book imported  
 at any one time "for use and not for sale.") Whereas the former paragraph (513)  
 35 passes beyond this region, and, if construed as to the copyright laws without qualifi-  
 cation, demands the unrestricted free admission, for ordinary commercial purposes,  
 as well as all other purposes, of all books printed in foreign languages, at least of all  
 such books not obnoxious under provisions like section 2491, Revised Statutes, and  
 section 11 of the tariff act of 1890. I can not believe that this is either the intention  
 40 or the result of the law. Accordingly, I note that the final proviso of section 4956  
 embraces the very point. Its language is:

*Provided, nevertheless,* That in the case of books in foreign languages, of which  
 only translations in English are copyrighted, the prohibition of importation shall  
 apply only to the translation of the same, and the importation of the books in the  
 45 original language shall be permitted.

Now, unless this proviso contains the needed relief, it may indeed appear that a  
 book in a foreign language can not be effectively copyrighted in this country. For,  
 while an action for infringement would doubtless lie against foreign conflicting edi-  
 tions, as well as domestic "pirated" editions, nevertheless, as to the former, prohi-  
 50 bition of importation is the first and most complete protection. The above proviso,  
 then, impresses me as operating directly (and perhaps exclusively) on the exception  
 in paragraph 513. It is an exception to the exception, and leaves the prohibition  
 untouched in the case provided. What is that case? I am not required to construe

proviso with respect to the other provisions of the tariff act embraced 1

As I have indicated, the circumstances and reasons moving to  
may leave them untrammelled by the proviso. But as to para-  
ing as it does unlimited commercial importations, the proviso, in  
tended to withdraw, and clearly does withdraw, the allowance of 5  
book in the foreign, original language when there is an American  
ook in that language; for the phraseology permits the importation  
original language *only* when an English translation *alone* is copy-  
case of books in foreign languages, of which *only* translations in  
righted." In the case before us, while an English translation also 10  
ed, there is a valid copyright on the original French version.  
n the decisions or in the regulations or previous rulings of your  
seeing contrary views; hence I hold that you have authority under  
mended, to refuse entry to the importations in question; and I may  
ear to be required, as well as empowered, to do so under section 15  
1 (22 Op., 70). To hold otherwise, it seems to me, would be to  
rge measure the protection to foreign authors, in consideration of  
protection is extended to our authors abroad, and to strike down  
at the protection to American labor, which certainly constituted the  
he main purposes of the law. 20

ders it unnecessary to examine, in respect to these importations, the  
voked by Brentano's for their protection, which refer to the mis-  
copyright on the foreign edition and to the prohibition of importa-  
provisions of section 4963, as finally amended, "when there is no  
ht thereon in the United States;" and also refer to considerations 25  
principles of copyright drawn from the law of trade-marks and  
on.  
ectfully,

JOHN W. GRIGGS,  
Attorney-General. 30

Y OF THE TREASURY.

iry Decisions." Vol. 4, 8vo. Washington, Government Printing  
02, pp. 93-94. \*  
ial Opinions of the Attorneys-General of the United States." Vol.  
Washington, Government Printing Office, 1902, pp. 353-359. 35

ATTORNEY-GENERAL OF THE UNITED STATES, JANUARY 24, 1901, RELATING  
IMPORTATION OF LIDDELL AND SCOTT'S "GREEK-ENGLISH LEXICON."

#### COPYRIGHT.

Lexicon, copyrighted in 1882, is not subject to the prohibitive provi-  
tion 4956, Revised Statutes, as amended by section 3, act of March 40

TREASURY DEPARTMENT, February 5, 1901.

artment duly received your letter of November 23 last, transmitting  
of the American Book Company, of New York, for relief in the  
portation of Liddell and Scott's Greek-English Lexicon, under deten- 45  
of New York for a supposed violation of section 3 of the copyright  
1891.

the work has passed through several editions since the year 1843,  
to time has been revised, corrected, amended, augmented, and  
the seventh edition, of which this importation is a revision but not 50

NOTE 6—*Continued.*

1 wholly a reproduction, was issued in the year 1882, at which time the copyright  
 accrued to Messrs. Harper & Bros., as appears from the notice on the back of the  
 title-page of this or the eighth edition; that the copyright is now owned by the  
 American Book Company, by assignment through the original proprietors, Messrs.  
 5 Harper & Bros., and that the claim is raised by the applicants that inasmuch as the  
 copyright was obtained under the law in operation prior to the present or so-called  
 international copyright act of March 3, 1891, the prohibitive provision of section 3  
 of the latter act does not apply.

The matter was referred to the Attorney-General for an expression of his views on  
 10 the subject, and I have now to transmit herewith a copy of his opinion, dated the  
 24th ultimo, from which you will observe that he holds that if the Harpers' copy-  
 right of 1882 on the seventh edition of the work was complete and legal, and was  
 duly assigned to the present owners, the importation in question is not subject to  
 the prohibitive provision of section 3 of the act of March 3, 1891, amending section  
 15 4956, Revised Statutes. You will be governed accordingly.

Respectfully,

O. L. SPAULDING, *Assistant Secretary.*

COLLECTOR OF CUSTOMS, NEW YORK, N. Y.

#### IMPORTATION OF COPYRIGHTED BOOKS PRINTED ABROAD.

20 The importation of books copyrighted in the United States prior to 1891, and sub-  
 sequently printed abroad, is not prohibited by section 3 of the Act of March 3,  
 1891. (26 Stat., 1106, 1107.)

The requirements and prohibitions of section 4956, as amended by said act, took  
 effect in general prospectively, and do not embrace in their burdens (without  
 25 regard to their benefits) a copyright obtained before March 3, 1891.

The new parts or the changed portions of an amended law, unless expressly applied,  
 should not be held to diminish or injure vested rights under the earlier law.

A law speaks from the date of its approval or from the future date fixed to take  
 effect, except so far as it is in terms retrospective.

30 Section 4959, as amended by the Act of March 3, 1891, permits rather than requires  
 a revised edition of a book by foreign authors theretofore published to be copy-  
 righted.

Opinion of April 19, 1895 (21 Opin., 159), distinguished and criticised.

#### DEPARTMENT OF JUSTICE,

*Washington, D. C., January 24, 1901.*

35

SIR: I have the honor to acknowledge the receipt of your letter of December 15,  
 1900, which states that the American Book Company, of New York, has applied to  
 you for relief in the matter of an importation of Liddell and Scott's Greek-English  
 Lexicon, under detention at the port of New York for supposed violation of section  
 40 3 of the copyright act of March 3, 1891; that the copyright in the United States  
 of the seventh edition of the work issued in 1882 was owned by Harper & Bros., of  
 New York; that the copyright of the present or eighth edition is owned by the  
 applicant under assignment from Harper & Bros.; and, calling my attention to an  
 opinion of Solicitor-General Conrad (21 Op., 159), you request my opinion on the  
 45 question whether the book, having been copyrighted in this country prior to the act  
 of 1891, is subject to the prohibitive provision of section 3 of said act. You indicate  
 that the importation consists of the folded and unstitched sheets constituting the  
 parts of the copyrighted book, designed to be stitched and bound in volumes in this  
 country as the eighth edition, but not made from type set within the limits of the  
 50 United States.

on request, I have to say that this work, a standard authority of 1  
 , in passing through its several editions, has been revised, cor-  
 and improved with the cooperation especially of American-Greek  
 eighth English edition a short note to the preface, signed with  
 and Liddell, and dated "Ascot, June, 1897," states that certain 5  
 ad additions have been inserted in the text, the rest appearing in

as previous to the "international copyright act" of 1891 (26 Stat.,  
 left of copyright only to citizens of the United States or residents  
 , sec. 4952). The law of 1891 extended the benefit reciprocally to 10  
 l artists, and also protected the printing industry in this country  
 ry 19, 1901). With these objects in view, section 3 of the act of  
 c. 4956, Rev. Stat.), provided that the two copies of a copyrighted  
 e delivered or mailed to the Librarian of Congress shall be printed  
 bin the limits of the United States, and contained the following 15

istence of such copyright the importation into the United States of  
 \* so copyrighted, or any edition \* \* \* thereof, or any plates  
 ade from type set \* \* \* within the limits of the United States,  
 hereby, prohibited. 20

then specified are not material to this inquiry.  
 that the essential point to be determined is whether these provi-  
 national copyright act apply to the copyright and the importation  
 ink not. A law speaks from the date of its approval, or from the  
 for it to take effect, except so far as it is in terms retrospective. 25  
 is that a law is prospective in operation. (Sutherland on Statutory  
 . 133, and auth. cit.; *Murray v. Gibson*, 15 How., 421; *Harvey v.*  
 8; Twenty per cent cases, 20 Wall., 179; *Auffmordt v. Rasin*, 102  
 Heong v. United States, 112 U. S., 536.) The copyright referred  
 f the act of 1891 is "such copyright" on a book, etc., "so copy-30  
 nlarged scope of the privilege and for the new purposes indicated,  
 right through the requisite delivery or deposit inter alia, "not later  
 ublication in this or any foreign country." There can be no copy-  
 f the act of 1891 where the two copies are not the production of  
 ing. This was not so under the previous law. It was only neces- 35  
 ithin ten days from publication two copies of the work, without  
 he place of typesetting or printing (sec. 4956, Rev. Stat., previous

It is impossible to hold that a copyright obtained in 1882 should  
 o the requirements of the present law, or, failing to do so, be held  
 id protection now. Such considerations are necessarily persuasive 40  
 the act of 1891 looks to the future alone and not to the past as well,  
 as, as concerns the requirements imposed upon a copyright applicant  
 he section we are discussing. Otherwise it is necessary to conclude  
 n 1882 is now void or less extensive than originally, because it did  
 llow rules which the law did not impose until 1891. As you per- 45  
 ming, as conceded, that the Harpers' copyright of 1882 on the  
 f the work was complete and legal and was duly assigned to the

argued, nevertheless, that the right should be assimilated to the  
 nt law so far as possible, and that, granting the copyright to be 50  
 is under the copyright should be prohibited unless made from type  
 ited States. Here the right vested in Harpers' assignees may be

NOTE 6—*Continued.*

1 viewed as conflicting with the protection to domestic labor extended by the late  
law. I think, notwithstanding, that the rules of the earlier law must cover this  
copyright in all respects during its life, unless otherwise provided by additional legis-  
lation, for the status of a copyright then in existence with respect to the new policy (is  
5 copyright) of protection to American labor seems to have been a *casus omissus* in the  
act of 1891. We must keep clearly in view vested rights as well as the demands of  
a protective tariff or protective prohibitions of importation.

Again, it may be suggested that a new copyright should have been obtained under  
the act of 1891 for the eighth edition, issued in 1897, and not wholly a reproduction  
10 of the edition of 1882. But while the eighth edition contains some corrections and  
additions, these appear to be comparatively trifling in extent. Therefore, although  
the new matter may lie outside copyright protection (assuming the unlikely case of  
unauthorized reproduction of such portions of the work and an action for infringe-  
ment), it does not seem to me that these slight additions amount to the "substantial  
15 changes" of section 4959 as amended by the act of 1891, which permits, rather than  
requires, a revised edition of a book by foreign authors, theretofore published, to be  
copyrighted. Indeed, that section implies that a new edition may not be copy-  
righted unless there are "substantial changes." So that the new matter seemingly  
does not require you to apply to the importation any other rules than those applica-  
20 ble to the said seventh edition under the law existing in 1882, when there was no  
prohibition of importation of sheets printed abroad from type not set within the  
United States. The maxim, "The law does not care for trifles," may be suggested  
in this connection, and to your practical determination would appear to be com-  
mitted the question when in fact such corrections and addenda carry a new edition  
25 over the line of a substantial reproduction of the preceding edition.

I come now to Mr. Conrad's opinion (21 Op., 159). He held—

That section 3 of the act of March 3, 1891, applies as well to books which have  
been copyrighted before as to those which have been copyrighted since the passage  
of the act.

30 But this broad announcement must be understood to be restricted to the special  
case before Solicitor-General Conrad, which was presumably that of American own-  
ers of an American copyright, obtained before the act of 1891, on an American lit-  
erary work, who were seeking, under the act of 1891, to prevent the importation of  
an unauthorized foreign edition, the remedy under the previous law being merely  
35 by way of forfeiture of the infringing copies and damages (sec. 4964, Rev. Stat.,  
before amendment). Mr. Conrad's language is:

The act is prospective only as to this new security (the prohibition of importation)  
which it affords the owner of the copyright, and is not prospective as to the books to  
which that security applies. He can not claim indemnity for losses sustained by  
40 reason of such importation and sale prior to the passage of the act; but while his  
copyright continues, whether it was acquired before or since March 3, 1891, the  
benefit of the act extends to him.

In other words, Mr. Conrad holds that the act of 1891 protects copyrights obtained  
before its passage, subject to an exception or limitation which he specifies, and does  
45 not consider whether its corresponding burdens are or can be extended to such copy-  
rights. I am not prepared to say that certain benefits may not accrue to anterior  
copyrights under any of the language of the act of 1891 or subsequent copyright  
enactments, even if the burdens residing in the present method of obtaining copy-  
right do not attach. The language is occasionally general (see first sentence of sec.  
50 4966 as amended by act June 6, 1897, 29 Stat., 481); in other places it is restricted by  
the phrase "as provided in this act" and other such phrases (sec. 4964 as amended  
by the act of 1891, 26 Stat., 1109, and sec. 4965 as amended by act March 2, 1895, 28

Bar in effect to the expressions "such copyright" and "so 1  
 from the present section 4956. But it can hardly be  
 an American copyright seeking to be relieved from the  
 in this country, on the ground that his copyright was  
 did not contain that requirement, can not be heard to 5  
 d to his sole remedy of forfeiture and damages under  
 right to prevent importation of competing foreign editions  
 of the later law from which he escapes. This sugges-  
 to the broad conclusion that such a copyright, relieved  
 present law, also takes no benefits thereby; but that gen- 10  
 us, and, while I may suggest some doubts respecting  
 am not compelled to overrule it, but merely to construe it  
 en submitted and as not controlling the present inquiry.  
 sh I reach, that the requirements and prohibitions of sec-  
 neral prospectively, and do not embrace in their burdens 15  
 enefits) a copyright obtained before March 3, 1891, I may  
 quoted in the opinion in question, namely:

for the changed portions (of an amended law) are not to  
 law at any time prior to the passage of the amended act.  
 respectively according to the general rule. (Sutherland 20  
 , sec. 133.)

expressly applied, should not be held to diminish or injure  
 rlier law.

in question by stating that the importation in question is  
 bitive provision of section 3 of the act of March 3, 1891, 25  
 revised Statutes.

JOHN W. GRIGGS,  
*Attorney-General.*

**TREASURY.**

sions." Vol. 4, 8vo. Washington, Government Printing 30  
 142.

ns of the Attorneys-General of the United States. Vol. 23,  
 overnment Printing Office, 1902, pp. 371-377.

**COPYRIGHT.**

gn country from type set within the limits of the United 35  
 made therefrom, are not liable to the prohibitive provi-  
 of the Revised Statutes, as amended.

**TREASURY DEPARTMENT, October 26, 1903.**

in receipt of your letter of the 19th ultimo, wherein you  
 d Schuberth & Co., of New York, have submitted to you 40  
 ks copyrighted in the United States and printed abroad  
 ype set in the United States are prohibited entry upon  
 g notice that they were so printed. You ask this Depart-  
 ion, that you may reply to this and similar inquiries.  
 March 3, 1891, amending section 4956 of the Revised Statutes, 45  
 ings, that no person shall be entitled to a copyright unless  
 date of publication, deliver at the office of the Librarian of  
 or deposit in the mail within the United States addressed  
 gress at Washington, two copies of such copyright book  
 ithin the limits of the United States, or from plates made 50  
 ring the existence of such copyright the importation into



NOTE 6—*Continued.*

- 1 the United States of any book so copyrighted, or any edition or editions thereof, or  
5 any plates of the same not made from type-set within the limits of the United States,  
is prohibited.

Here, it is understood, we have books "printed (abroad) from type set within the  
5 limits of the United States, or from plates made therefrom," and which bear a notice  
to that effect. It will be observed that the statute does not provide that books shall  
be printed in the United States. It merely states that the article shall be produced  
from type set within the limits of the United States, or from plates made therefrom.  
Therefore, it is the view of this Department that if the statutory requirements relat-  
10 ing to the procurement of the copyright are complied with, and the books are printed  
from type set within the limits of the United States, or from plates made therefrom,  
the said books are not liable to the prohibitive provisions of section 4956 of the  
Revised Statutes, as amended.

Respectfully,

ROBERT B. ARMSTRONG,  
*Assistant Secretary.*

15

Mr. THORVALD SOLBERG,  
*Register of Copyrights, Washington, D. C.*

In "Treasury Decisions." Vol. 6, 8vo. Washington, Government Printing  
Office, 1904, pp. 888-889.

- 20 NOTE 7. (*See page 62.*)

#### FORFEITURE IN CASE OF ILLEGAL IMPORTATION.

For forfeiture in case of illegal importation, see Revised Statutes, Title 34, Collec-  
tion of Duties, section 3082, as follows:

- SEC. 3082. If any person shall fraudulently or knowingly import or bring into the  
25 United States, or assist in so doing, any merchandise, contrary to law, or shall  
receive, conceal, buy, sell, or in any manner facilitate the transportation, conceal-  
ment, or sale of such merchandise after importation, knowing the same to have been  
imported contrary to law, such merchandise shall be forfeited and the offender shall  
be fined in any sum not exceeding five thousand dollars nor less than fifty dollars,  
30 or be imprisoned for any time not exceeding two years, or both. Whenever, on  
trial for a violation of this section, the defendant is shown to have or to have had  
possession of such goods, such possession shall be deemed evidence sufficient to  
authorize conviction, unless the defendant shall explain the possession to the satis-  
faction of the jury. (Rev. Stat., 1878, pp. 591-592.)

- 35 NOTE 8. (*See page 70.*)

#### IMPORTATION UNDER THE INTERIM COPYRIGHT ACT OF JANUARY 7, 1904.

##### COPYRIGHT.

- The Act of January 7, 1904, granting temporary copyright protection to exhibitors  
of foreign literary, artistic, or musical works at the Louisiana Purchase Exposi-  
40 tion, also suspends operation of all statutes inconsistent with said act during the  
period of the temporary copyright protection therein enacted.

*Opinion of Leslie M. Shaw, Secretary of the Treasury.*

(25097.)

TREASURY DEPARTMENT, March 12, 1904.

- SIR: I have the honor to acknowledge the receipt of your letter of the 17th ultimo,  
45 inclosing copy of a communication addressed to you by the German ambassador,  
inquiring whether the act approved January 7, 1904, for the protection of foreign  
literary, artistic, or musical works exhibited at the Louisiana Purchase Exposition,  
also removes the interdiction of importation of those articles. You request an  
expression of my views on the subject.

entitled "An Act to afford protection to exhibitors of foreign  
musical works at the Louisiana Purchase Exposition," and  
of any book, map, chart, dramatic composition, musical com-  
ment, print, chromo, lithograph, or photograph, published  
after 30, 1904, but not registered for copyright protection in the  
intended for exhibition at the Louisiana Purchase Exposition, or  
of such author, the sole liberty of printing, reprinting, pub-  
licating the same within the limits of the United States for  
from the date of the receipt of the book or other article in the  
Washington.

provides that if at any time during the term of copyright protection  
copies of the original text of any such book, or of a translation  
language, printed from type set within the limits of the United  
States therefrom, or two copies of any such photograph, chromo,  
from negatives or drawings on stone made within the limits of  
from transfers made therefrom, are deposited in the Copyright  
such deposit shall be held to extend the term of copyright  
book, photograph, chromo, or lithograph for the full terms pro-  
chapter 3, of the Revised Statutes, computed from the date of  
deposited at the Copyright Office.

original work of the fine arts (a painting, drawing, statue, statu-  
ette, design intended to be perfected as a work of the fine arts),  
used without the limits of the United States prior to the 30th  
day of November, 1904, and is intended for exhibition at the Louisiana Purchase  
Exposition, or his heirs and assigns, copyright protec-  
tion for a period of two years from the date of filing in the Copyright  
Office of the said work of art and a photograph of it.

the act authorizes and provides for temporary copyright protection  
and for the purposes provided therein, the act is not to be "con-  
sidered in any manner affect or repeal any of the provisions of the Revised  
Copyrights and the acts amendatory thereof," and no registration  
is required after the 30th day of November, 1904.

under section 4956 of the Revised Statutes, as amended by the  
act of March 3, 1897, it is necessary, in order to obtain a valid copyright in the  
book, chromo, lithograph, or photograph, that the article or  
the Librarian of Congress shall be produced or manufactured  
during the existence of such copyright the importation is pro-  
hibited, chromo, lithograph, or photograph, so copyrighted, or any  
thereof, or any plates of the same not made from type set, nega-  
tives or drawings on stone made within the limits of the United States.

Revised Statutes, as amended by the act of March 3, 1897, prohib-  
its the importation of any article, whether subject to copyright or  
not, without a statutory notice of copyright, which has not been copyrighted

in the case is whether the prohibition in section 4956, as amended,  
at the protection of copyright granted by the act approved Jan-  
uary 30, 1904, can be no question with reference to the prohibition in section  
4956, as amended, regarding false notice of copyright, as the  
copyright, for self-protection, would have a perfect right to insert  
notice of copyright in or upon the copyrighted article; not the  
act, but, in addition, words showing the act under which the

NOTE 8—*Continued.*

1 The protection afforded an author, his heirs and assigns, by the act of January 7, 1904, is "the sole liberty of printing, reprinting, publishing, copying, and vending" the copyrighted article "within the limits of the United States" for the term provided for in said act. This language is plain and unambiguous, and there would be  
5 no occasion for the inquiry of the German ambassador but for the further provision in the act that, except in so far as it authorizes and provides for temporary copyright protection, it shall not be construed or held to in any manner affect or repeal any of the provisions of the statutes relating to copyrights. Therefore, construction becomes necessary in order to determine whether there are inconsistencies between this latter  
10 and former statutes respecting importations, and, being in *pari materia*, they are to be construed together.

The cardinal rule of all statutory construction is that the meaning and intention of the legislature are to be sought for, and supposed repugnances must be reconciled, if possible, to effectuate that meaning and intention. We then proceed to determine  
15 what is meant by the term "copyright protection." The statute itself (act of January 7, 1904) defines it as "the sole liberty of printing, reprinting, publishing, copying, and vending" the copyrighted article, and it is so denominated in all the laws. "Copyright under the statutes is an exclusive right to publish a literary or artistic work." *Pierce & Bushnell Manufacturing Company v. Werckmeister* (72 Fed. Rep.,  
20 54). Copyright protection, then, is the exclusive right to produce, reproduce, and vend the copyrighted article. But, while the latter statute grants copyright protection in the United States on books, chromos, lithographs, and photographs produced or manufactured abroad, there exists a prior statute (section 4956, *supra*) which requires the production or manufacture of the articles in the United States as a condition precedent to obtaining a valid copyright, and which also prohibits importation  
25 of such articles not so produced or manufactured. Does the later act suspend operation of section 4956 (ante) with respect to importation during the temporary copyright protection, or is the provision in said act, to the effect that former statutes relating to copyrights are not repealed or affected, to operate so as to deprive the  
30 proprietor of the copyright of the very essence of the protection granted, viz, free and unhampered importations? Is it within the spirit and reason of the law that the rights granted thereby shall by a further provision in the same law be rendered, in effect, null and void? Such a course would be an absurdity, and it is a rule of construction that it is to be presumed the legislature does not intend an absurdity,  
35 or that absurd consequences shall flow from its enactments. The mind of the legislature is presumed to be consistent and every statute is understood to contain, by implication, if not by its express terms, all such provisions as may be necessary to effectuate its object and purpose, or to make effective the rights which it grants.

Examining the subject, then, in the light of such facts and principles, it is evident  
40 to me that it was the intention of the Congress to suspend the operation of all statutes (including section 4956, as amended) inconsistent with the act of January 7, 1904, during the period of the temporary copyright protection therein granted.

The inquiry of the German ambassador is, therefore, answered in the affirmative.

Respectfully,

45

LESLIE M. SHAW, *Secretary.*

The SECRETARY OF STATE.

From "Treasury Decisions." Vol. 7, 8vo. Washington, Government Printing Office, 1904, pp. 407-410.

*Memorandum from the Register of Copyrights to the Librarian of Congress.*

50

COPYRIGHT OFFICE, *March 19, 1904.*

The Assistant Secretary of State transmits an inquiry from the German ambassador as to whether the act of January 7, 1904, to afford protection to exhibitors of foreign

musical works at the Louisiana Purchase Exposition "also 1  
 tion of importation," and whether under this act such works  
 into the United States during the interim term of protection, of  
 date of registration in the Copyright Office.  
 importation under the copyright laws must be concerned either 5  
 ration of copies of the authorized editions of the works claiming  
 m; or (b) the importation of copies of unauthorized, illicit repro-  
 rks.

of importation of illicit reproductions is essential to copyright pro-  
 vided for in the United States laws by section 4964 of the Revised 10  
 ed by the act of March 3, 1891, and by section 4965, of the Revised  
 led by the act of March 2, 1895. The provisions of these two sec-  
 dly applicable to all articles registered for copyright protection as  
 of January 7, 1904, as under all previous acts, section 8 of the act  
 , providing "that, except in so far as this act authorizes and pro- 15  
 ry copyright protection during the period and for the purposes  
 or, it shall not be construed or held to in any manner affect or  
 provisions of the Revised Statutes relating to copyrights and the  
 ereof."

owever, that the German ambassador had in mind only the ques- 20  
 ration of copies of the authorized editions of articles actually  
 uis in 1904, and registered under the act of January 7, 1904.

to, I beg to submit for consideration the following:

nd first section of the act it is made clear that its provisions relate  
 ary, artistic, or musical works produced abroad. 25

of the act is to grant to the authors of such foreign works, their  
 "the sole liberty of printing, reprinting, publishing, copying, and  
 within the limits of the United States." (Section 1.)

to be protected under this act are as follows: Group A. Original  
 arts (paintings, drawings, statues, or statuary), maps, charts, 30  
 gravings, cuts, and prints. Group B. Books, chromos, lithographs,

articles in Group A are concerned, there are no provisions in any  
 tes copyright laws in force to require their manufacture in the  
 prohibit the importation of any copies, except copies of unauthor- 35  
 . (Sections 4964 and 4965 of the Revised Statutes.)

f the four articles in Group B, however, the act of March 3, 1891,  
 s that in the case of a book, photograph, chromo, or lithograph,  
 be printed from type set within the limits of the United States, or  
 therefrom, or from negatives or drawings on stone made within 40  
 nited States, or from transfers made therefrom;" and the same sec-  
 des that the importation into the United States of copies not thus  
 ited during the existence of the copyright.

ion of importation follows the proviso to section 4956 of the Revised  
 y the act of March 3, 1891, requiring the manufacture of the four 45  
 ted States, and was clearly added to make the American manufac-  
 ve. Had there been no stipulation requiring type-setting, etc., in  
 there would have been no need for the prohibition of importation  
 le from type set within the United States, etc., and if the require-  
 manufacture is omitted, the prohibition of importation and the 50  
 prohibition are uncalled for, and hence are null and void.

NOTE 8—*Continued.*

1 Obviously, therefore, there can be no question of the right of importation of autho-  
 5 rized copies of the articles in Group A, as prohibition of such importation would  
 render entirely nugatory the privileges and protection expressly intended to be  
 secured to the foreign authors and artists of such articles by the act of March 3  
 1891; and the only question, therefore, is whether the four articles in Group B, viz  
 books, chromos, lithographs, and photographs, when registered in the Copyright  
 Office as exhibits to the Louisiana Purchase Exposition, can be imported without  
 hindrance during the two years' period of protection provided by the act.

The act makes it very clear that this term of protection is not dependent upon the  
 10 manufacture of the articles in the United States, section 6 of the act expressly pro-  
 viding for an extension of the term of protection to "the full terms provided for in  
 Title LX, chapter 3, of the Revised Statutes" if at any time during this period of two  
 years, copies of the original text in the case of a book, or of a translation of it in English,  
 are printed from type set within the United States or from plates made therefrom;  
 15 while in the case of photographs, chromos, or lithographs, if copies shall be pro-  
 duced printed from negatives, or drawings on stone made within the United States,  
 or from transfers made therefrom.

The matter may therefore be summarized as follows:

1. The articles in question are foreign productions; 2. The sole right of vending  
 20 them in the United States is granted for two years from date of registration in the  
 Copyright Office; 3. The manufacture of the articles in the United States is not  
 required; 4. The prohibition of importation in the act of March 3, 1891, is incidental  
 to the requirement of American manufacture in section 3 of the same act.

This prohibition of importation, therefore, does not apply to the articles named  
 25 in section 1 of the act of January 7, 1904, which grants interim copyright protection  
 for the term of two years, these articles not being required to be manufactured in  
 the United States, and the whole purport of the act being to secure to the copyright  
 proprietor protection and unhindered sale in the United States for the articles  
 exhibited.

30 Respectfully,

THORVALD SOLBERG,  
*Register of Copyrights*

THE LIBRARIAN OF CONGRESS.

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